

General Tracking

52nd Legislature - 1st Regular Session, 2015

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General Tracking

Posted Calendars and Committee Hearings

- H2092: MILITARY SCHOLARSHIP SPECIAL PLATES
Hearing: Senate Transportation (Tuesday 03/10/15 at 2:00 PM, Senate Rm. 1)
- H2095: JOB-ORDER-CONTRACTING; BOND; WAIVER
Hearing: Senate Finance (Wednesday 03/11/15 at 9:00 AM, Senate Rm. 3)
- H2175: PUBLIC RIGHTS-OF-WAY; CLAIMS
Calendar: 3/9 House Third Reading
- H2176: LEGISLATIVE APPROPS; STATE; FEDERAL; MONIES
Calendar: 3/9 House COW
- H2213: INSPECTIONS; AUDITS; NOTICE; RIGHTS
Hearing: Senate Commerce & Workforce Development (Monday 03/09/15 at 2:00 PM, Senate Rm. 1)
- H2297: STATE AGENCY RULEMAKING; RESTRICTIONS
Hearing: Senate Government (Wednesday 03/11/15 at 2:00 PM, Senate Rm. 3)
- H2336: CONTRACT PROGRESS PAYMENTS; DESIGN PROFESSIONALS
Hearing: Senate Government (Wednesday 03/11/15 at 2:00 PM, Senate Rm. 3)
- H2358: TPT; EXEMPTION; CROP DUSTERS
Hearing: Senate Finance (Wednesday 03/11/15 at 9:00 AM, Senate Rm. 3)
- H2365: OFF-HIGHWAY VEHICLES; ENFORCEMENT
Hearing: Senate Transportation (Tuesday 03/10/15 at 2:00 PM, Senate Rm. 1)
Hearing: Senate Public Safety, Military & Technology (Wednesday 03/11/15 at 9:00 AM, Senate Rm. 1)
- H2368: SOVEREIGN AUTHORITY; EXECUTIVE ORDERS; DOJ
Calendar: 3/9 House COW
- H2378: PEACE OFFICERS; UNLAWFUL SEXUAL CONDUCT
Hearing: Senate Judiciary (Thursday 03/12/15 at 9:00 AM, Senate Rm. 109)
- H2395: WEIGHTS & MEASURES; BIOFUELS
Hearing: Senate Water & Energy (Monday 03/09/15 at 2:00 PM, Senate Rm. 3)
- H2398: RESIDENTIAL TOW TRUCK PARKING; LIMITATION
Hearing: Senate Transportation (Tuesday 03/10/15 at 2:00 PM, Senate Rm. 1)
- H2408: TOWING CONTRACTS; DPS
Hearing: Senate Public Safety, Military & Technology (Wednesday 03/11/15 at 9:00 AM, Senate Rm. 1)
- H2422: VEHICLE TOWING
Hearing: Senate Commerce & Workforce Development (Monday 03/09/15 at 2:00 PM, Senate Rm. 1)
Hearing: Senate Transportation (Tuesday 03/10/15 at 2:00 PM, Senate Rm. 1)
- H2522: SPECIAL PLATES; HEALTH SCIENCE; HOCKEY
Hearing: Senate Transportation (Tuesday 03/10/15 at 2:00 PM, Senate Rm. 1)
- H2523: TOWED VEHICLES; LOCAL AUTHORITY
Hearing: Senate Transportation (Tuesday 03/10/15 at 2:00 PM, Senate Rm. 1)
- H2524: FIREFIGHTERS; PROFESSIONAL GOLF; SPECIAL PLATES
Hearing: Senate Transportation (Tuesday 03/10/15 at 2:00 PM, Senate Rm. 1)
- H2526: GOVERNOR'S REGULATORY REVIEW COUNCIL; MEMBERSHIP
Hearing: Senate Government (Wednesday 03/11/15 at 2:00 PM, Senate Rm. 3)
- H2566: STATE COMPUTERS; SENSITIVE ELECTRONIC DATA
Hearing: Senate Appropriations (Tuesday 03/10/15 at 2:00 PM, Senate Rm. 109)

H2607: STATE AGENCIES; CREDIT CARDS
Hearing: Senate Government (Wednesday 03/11/15 at 2:00 PM, Senate Rm. 3)

H2609: RECIPROCAL DRIVER LICENSE AGREEMENTS
Hearing: Senate Transportation (Tuesday 03/10/15 at 2:00 PM, Senate Rm. 1)

H2610: COMMUNITY COLLEGE COLLEGIATE SPECIAL PLATES
Calendar: 3/9 House Third Reading

H2617: REGULATORY RELIEF TAX CREDIT
Calendar: 3/9 House Third Reading

H2636: TECH CORRECTION; CLOSURE; UNDERGROUND STORAGE
Calendar: 3/9 House COW

H2646: RULEMAKING; APPROVAL OF GOVERNOR; FACTORS
Hearing: Senate Government (Wednesday 03/11/15 at 2:00 PM, Senate Rm. 3)

H2647: INFORMATION TECHNOLOGY; TITLE 18
Calendar: 3/9 House COW

HCM2005: FEDERAL LANDS; DEVOLUTION TO ARIZONA
Calendar: 3/9 House Third Reading

S1051: AUTOCYCLES; CLASS M LICENSE; EXEMPTION
Hearing: House Rules (Monday 03/09/15 at 1:00 PM, House Rm. 4)

S1063: OBSTRUCTING A HIGHWAY; PUBLIC THOROUGHFARE
Hearing: House Government & Higher Education (Thursday 03/12/15 at 9:00 AM, House Rm. 1)

S1090: NEUTRALITY AGREEMENT; APPRENTICESHIP AGREEMENT; PROHIBITION
Hearing: House Rules (Monday 03/09/15 at 1:00 PM, House Rm. 4)

S1118: TECH CORRECTION; EMERGENCY INTERCEPTION
Calendar: 3/9 Senate COW

S1170: FORFEITURES; QUARTERLY REPORT
Hearing: House Rules (Monday 03/09/15 at 1:00 PM, House Rm. 4)

S1325: FIRST RESPONDER SPECIAL PLATES
Calendar: 3/9 Senate Third Reading

S1445: PUBLIC RECORDS; PEACE OFFICER'S NAME
Hearing: House Rules (Monday 03/09/15 at 1:00 PM, House Rm. 4)

Bill Summaries

H2055: TECH CORRECTION; SCHOOL BONDS

Minor change in Title 35 (Public Finances) related to school bonds. Apparent striker bus.

First sponsor: Rep. Thorpe

H2055: TECH CORRECTION; SCHOOL BONDS 2/26 retained on House COW calendar.

H2058: TECH CORRECTION; ELECTRIC GENERATION SUPPLIERS

Minor change in Title 40 (Public Utilities) related to electric generation suppliers. Apparent striker bus.

First sponsor: Rep. Thorpe

H2058: TECH CORRECTION; ELECTRIC GENERATION SUPPLIERS 2/26 retained on House COW calendar.

H2060: STATE BUDGET; CONSENSUS FORECAST

On March 1, September 1 and December 1 of each year, the Directors of the Joint Legislative Budget Committee and the Governor's Office of Strategic Planning and Budgeting are required to jointly compile a consensus revenue forecast for the current fiscal year and the next three fiscal years. The consensus revenue forecast must consist of specified information and must be transmitted to the

Governor and the Legislature. Revenue estimates in the annual budget submitted to the Legislature by the Governor and in the general appropriation act are required to be based on the most recent consensus revenue forecast.

First sponsor: Rep. Mesnard

H2060: STATE BUDGET; CONSENSUS FORECAST 2/16 from House rules okay. To House consent calendar.

H2092: MILITARY SCHOLARSHIP SPECIAL PLATES

The Department of Transportation is authorized to issue special military scholarship license plates if a person pays \$32,000 in start-up costs by December 31, 2015. Of the \$25 annual fee, \$8 is an administrative fee and \$17 is a donation to a newly established subaccount of the Veterans' Donations Fund, to be allocated to a nonprofit foundation that is the nation's oldest and largest provider of need-based scholarships to children of U.S. military members and that meets other specified qualifications.

First sponsor: Rep. Borrelli

H2092: MILITARY SCHOLARSHIP SPECIAL PLATES 2/17 referred to Senate trans.

H2095: JOB-ORDER-CONTRACTING; BOND; WAIVER

A county with a population of more than 800,000 persons (Pima and Maricopa Counties) is permitted to waive the required performance bond for job-order-contracting construction services if the amount of construction under the contract does not exceed \$500,000, including change orders. Self-repeals January 1, 2021. AS PASSED HOUSE.

First sponsor: Rep. Coleman

H2095: JOB-ORDER-CONTRACTING; BOND; WAIVER 3/4 referred to Senate fin.

H2126: DEPT OF PUBLIC SAFETY; DIVISIONS

Establishes the Law Enforcement Information Sharing Division in the Department of Public Safety. The Division is required to implement and maintain a law enforcement information and integrated data network.

First sponsor: Rep. Borrelli

H2126: DEPT OF PUBLIC SAFETY; DIVISIONS 3/2 retained on House COW calendar.

H2155: STATE TRANSPORTATION BD; TRIBAL REP

The membership of the State Transportation Board is expanded to include a representative of tribal government.

First sponsor: Rep. Hale

H2155: STATE TRANSPORTATION BD; TRIBAL REP 1/29 referred to House trans-inf.

H2160: TPT; INDIAN TRIBE; MOTOR VEHICLES

The list of items exempt from retail transaction privilege taxes is expanded to include the sale of a motor vehicle to multiple purchasers who are enrolled members of an Indian tribe who resides on the Indian reservation established for the tribe of any of the purchasers.

First sponsor: Rep. Hale

H2160: TPT; INDIAN TRIBE; MOTOR VEHICLES 1/29 referred to House ways-means, appro.

H2172: MOTOR VEHICLE LIABILITY INSURANCE REQS

For motor vehicle liability insurance policies issued or renewed beginning June 1, 2016, the minimum required coverage is increased to \$25,000 for bodily injury or death of one person in any one accident, from \$15,000, to \$50,000 for bodily injury or death of two or more persons in any one accident, from \$30,000, and to \$25,000 because of injury to or destruction of property of others in any one accident, from \$10,000.

First sponsor: Rep. Brophy McGee

H2172: MOTOR VEHICLE LIABILITY INSURANCE REQS 2/4 House ins FAILED 4-4.

H2175: PUBLIC RIGHTS-OF-WAY; CLAIMS

The State of Arizona asserts and claims rights-of-way across public lands under the federal Mining Act of 1866, acquired from and after its effective date through October 21, 1976, the date of its repeal. These rights-of-way may have been acquired in any manner authorized by law, including specified methods. The state does not recognize or consent to the exchange, waiver or abandonment of any revised statute 2477 right-of-way across public lands unless by formal, written official action that was taken by the state or a political subdivision and recorded in the office of the county recorder.

First sponsor: Rep. Finchem

General Comments (all lists):

BILL #: HB 2175
rights-of-way; claims

TITLE: Public

SPONSOR(S): Senator Smith and Representatives Finchem, Thorpe, Barton, Borrelli, Cobb, and Leach

DATE ASSIGNED: 1/14/15

DIVISION / PROGRAM(S) ASSIGNED: ITD

PREPARED BY: Lisa Sinclair

DATE SUBMITTED: 1//15

BILL SUMMARY:Adds ARS §37-931 allowing the state to assert and claim right-of-way across public lands.

AMENDING ARS: Title 37, Chapter 5, A.R.S, by adding Article 2

IMPACT ON ADOT: (Underline) **Extremely Positive** -- Positive -- None -- Negative -- Extremely Negative

IMPLEMENTATION IMPACTS:

1) **What does ADOT currently do?** Right-of-way claims RS 2477 whenever possible over ASLD and BLM lands. Most roadways are in the southern part of the state and were already existing county roadways when ADOT was established. BLM and ASLD have a process ADOT follows in order to claim. It's not often that we need to claim and we don't go looking for it. If the question arises or a new project brings it to our attention then

we deal with it.

2) Are there any potential conflicts with current Federal or State law? (If yes, please provide citation and example.) None that we are aware of.

3) Are there any issues that would prevent implementation? (Please explain.) No. Coordination with ASLD and BLM would be beneficial for their awareness and support.

4) What do other states do? It varies, some states claim RS 2477 similar to ADOT, whenever possible.

5) Comments?

FISCAL IMPACT (HURF, SHF, Personnel, Etc.):

Agency/Division: Fiscal impact would allow for RS 2477 roadways to be claimed legally and not have to be paid for. We are already using maintenance and operating costs so that would not change the financial impact of an existing state highway.

State:

Others:

PROGRAMMING IMPACT:

Assumptions: N/A

System Changes:

Cost Estimate:

POTENTIAL SUPPORTING STAKEHOLDERS:

1)

POTENTIAL OPPOSING STAKEHOLDERS:

2)

RECOMMENDED ADOT POSITION: (Underline) Support -- Oppose --

Amend – Neutral Explanation: The impacts on ADOT would be extremely positive as right-of-way would be recognized as a valid easement and no payment would be required. It should be clear that ADOT already has the ability to claim RS 2477 rights over BLM and ASLD lands

H2175: PUBLIC RIGHTS-OF-WAY; CLAIMS 2/26 House COW approved with amend #4140.

H2176: LEGISLATIVE APPROPS; STATE; FEDERAL; MONIES

The Legislature retains the primary and ultimate authority to appropriate all "noncustodial federal monies" (defined). If the Legislature does not make an appropriation for a particular fund, specific grant program or block of noncustodial federal monies, the budget unit that has lawful authority must administer and spend these monies pursuant to federal and state law.

First sponsor: Rep. Thorpe

H2176: LEGISLATIVE APPROPS; STATE; FEDERAL; MONIES 3/3 from House rules okay.

H2200: PUBLIC BUILDINGS; ENERGY CONSERVATION

By July 1, 2020, all state agencies, universities, school districts, and community college districts must purchase at least 10 percent of their energy from "green sources" (defined). All existing state buildings that are more than 50,000 square feet must conform to the leadership in energy and environmental design (LEED) existing building standards. All new or leased state buildings must conform to the LEED rating system. The Department of Administration, Department of Transportation, and Arizona Board of Regents must reduce energy use in public buildings they administer by 20 percent per square foot by July 1, 2023, using FY2001-2002 as the baseline year. Establishes the Energy & Water Efficiency Fund for public facilities to be administered by the Arizona Commerce Authority. The Fund will provide loans to finance energy and water efficiency measures for public facilities. By December 31, 2016, school districts and charter schools are required to adopt green cleaning policies and purchase and use environmentally sensitive cleaning products. Also establishes an 11-member Green Public Schools Task Force to recommend a model green cleaning policy for public schools. The Task Force must submit a report to the Governor and the Legislature by November 1, 2016; self-repeals January 1, 2017.

First sponsor: Rep. Sherwood

H2201: PROCUREMENT; ARIZONA BIDDERS; PREFERENCE

For procurement contracts awarded by competitive sealed bid, Arizona bidders must be given preference over nonresident bidders if there are two or more low, responsive offers from responsible bidders that are identical in price.

First sponsor: Rep. Sherwood

H2201: PROCUREMENT; ARIZONA BIDDERS; PREFERENCE 2/3 referred to House gov-higher ed.

H2205: TRAFFIC OFFENSE; RESTITUTION

Failure to stop and remain at the scene of an accident by a driver involved in an accident is no longer exempt from statute allowing restitution for offenses causing economic loss.

First sponsor: Rep. Boyer

H2205: TRAFFIC OFFENSE; RESTITUTION 2/26 referred to Senate jud.

H2211: MOTORIZED QUADRICYCLES; RESTRICTIONS (AUTOCYCLES; MOTORIZED QUADRICYCLES)

A "motorized quadricycle" (defined as a commercial motor vehicle that is self-propelled by an emission-free electric motor, that seats at least eight passengers and that is licensed by the Department of Weights and Measures to operate as a limousine) is prohibited from being operated at a speed of more than 15 miles per hour and from being driven on a highway with a posted speed limit of more than 35 miles per hour. AS PASSED HOUSE.

First sponsor: Rep. Petersen

General Comments (all lists):

BILL #: HB2211
motorized quadricycles

TITLE: autocycles;

SPONSOR(S): Representative Petersen

DATE ASSIGNED: 1/15/15

DIVISION / PROGRAM(S) ASSIGNED: ADOT/MVD/CLASS

PREPARED BY: Debbie Mullins

DATE SUBMITTED: 1/16/15

BILL SUMMARY: This bill creates new vehicle types for autocycles and motorized quadricycles. Autocycle drivers would be licensed with an operator Class D license and will not require Class M or M endorsement, and motorized quadricycles would qualify as Commercial Motor Vehicles and would fit in with the Neighborhood Electric Vehicles.

AMENDING ARS: Amending Sections 28-101, 28-966, 28-2157 AND 28-3101, Arizona Revised Statutes; Relating to motor vehicles.

IMPACT ON ADOT:(Underline) Extremely Positive -- Positive -- None -- Negative -- Extremely Negative

IMPLEMENTATION IMPACTS:

- 1) **What does ADOT currently do?** Autocycles and motorized quadricycles are not currently classified in statute as separate vehicle types, so they may not be registered consistently.
- 2) **Are there any potential conflicts with current Federal or State law? (If yes, please provide citation and example.)** None known.
- 3) **Are there any issues that would prevent implementation? (Please explain.)** None known.
- 4) **What do other states do?** Other states title and license vehicles according to their laws.
- 5) **Comments?**

FISCAL IMPACT (HURF, SHF, Personnel, Etc):

Agency/Division: Potential increase in revenue from registration of these new vehicle types. No funding identified for programming for these new vehicle types.

State: Unknown

Others: Dealers selling these vehicles could see increased sales once the laws for their operation are established.

PROGRAMMING IMPACT:

Assumptions: Programming would be required to add these vehicle types to the system. Also, additional coding will be necessary because the vehicle is licensed by the Department of Weights and Measures to operate as limousine.

System Changes:

Need to change the Title and Registration and Service Arizona applications to add a new body style and category. The estimate includes the analysis, design, coding and testing of the changes.

Cost Estimate: \$90,000

POTENTIAL SUPPORTING STAKEHOLDERS:

1) Businesses that would use motorized quadricycles; autocycle owners; vehicle dealers that would sell these vehicle types

POTENTIAL OPPOSING STAKEHOLDERS:

2) Individuals and groups that believe there should be additional training, such as motorcycle training, for operation of autocycles

RECOMMENDED ADOT POSITION: (Underline) Support -- Oppose -- Amend -- Neutral

Explanation:

H2211: MOTORIZED QUADRICYCLES; RESTRICTIONS 2/23 referred to Senate trans.

H2212: LICENSING; ACCOUNTABILITY; ENFORCEMENT; EXCEEDING REGULATION

Statute prohibiting municipalities, counties, special taxing districts and state agencies from basing licensing decisions on requirements or conditions that are not specifically authorized by statute, rule, ordinance or code may be enforced in a private civil action and relief may be awarded against a municipality, county, special taxing district or the state. The court is required to award reasonable attorney fees, costs, damages and license application fees to a party that prevails in an action against the municipality, county, special taxing district or state. A municipal, county, special taxing district or state employee is prohibited from participating in violations of the statute. The language of these statutes must be prominently printed on all license applications. AS PASSED HOUSE.

First sponsor: Rep. Petersen

H2212: LICENSING; ACCOUNTABILITY; ENFORCEMENT; EXCEEDING REGULATION 3/4 from Senate rules with a technical amendment.

H2213: INSPECTIONS; AUDITS; NOTICE; RIGHTS

An agency inspector, auditor or regulator who enters any premises of a regulated person to conduct an inspection is required to inform each person who is interviewed during the inspection or audit that participation in an interview is voluntary (unless the person is legally compelled to participate), that the person may have an attorney present during the interview and that the person is allowed at least 24 hours to review and revise any written statement on which the person's signature is requested. The written information that must be provided to the person subject to inspection or audit is expanded to include a notice that if documents provided become a public record, the person may redact trade secrets and proprietary information, and the time limit for filing a compliance action arising from the inspection or audit. AS PASSED HOUSE.

First sponsor: Rep. Petersen

H2213: INSPECTIONS; AUDITS; NOTICE; RIGHTS 2/17 referred to Senate com-work dev.

H2216: MOTOR VEHICLE MANUFACTURERS; RETAIL SALES

The prohibition on a motor vehicle "factory" (defined) competing with its dealers by selling, leasing or offering to sell or lease a vehicle or product, service or financing to any retail consumer or lead does not apply if the factory does not have an established business relationship with a dealer on or before the effective date of this legislation and the factory has a service center in Arizona to handle repair, warranty or recall issues regarding the vehicles.

First sponsor: Rep. Petersen

H2216: MOTOR VEHICLE MANUFACTURERS; RETAIL SALES 2/4 from House com do pass.

H2221: DRIVER LICENSE SUSPENSION; PHOTO RADAR

Statute requiring the court to suspend a person's driver license for failure to appear as directed for a scheduled court appearance after service of a complaint alleging a violation of traffic laws does not apply if the violation is a result of a photo enforcement system.

First sponsor: Rep. Mesnard

H2221: DRIVER LICENSE SUSPENSION; PHOTO RADAR 2/23 referred to Senate trans.

H2236: ATV & MOTORCYCLE PASSENGERS

A person other than the operator is prohibited from riding on an all-terrain vehicle (ATV) unless the ATV is equipped, instead of designed, to carry more than one person. AS PASSED HOUSE.

First sponsor: Rep. Shope

General Comments (all lists):

BILL #: HB2236
motorcycle passengers

TITLE: ATV and

SPONSOR(S): Representative Shope, Senator Burges: Representatives Borrelli, Pratt

DATE ASSIGNED: 1/16/2015

DIVISION / PROGRAM(S) ASSIGNED: ADOT/MVD/CLASS

PREPARED BY: Debbie Mullins

DATE SUBMITTED: 1/20/2015

BILL SUMMARY: Strikes the word “designed” in section 28-892 on lines 9, 11 and 12. Adds the word “equipped” for motorcycle and all-terrain vehicle carrying capacity. This would allow modifications to be made to motorcycles and all-terrain vehicles from existing designs in order to carry passengers.

AMENDING ARS: Amending Section 28-892, Arizona Revised Statutes; Relating to Motorcycles and All-Terrain Vehicles.

IMPACT ON ADOT: (Underline) Extremely Positive -- Positive -- None – Negative -- Extremely Negative

IMPLEMENTATION IMPACTS:

1) What does ADOT currently do? Issues driver licenses for motorcycles; titles and registers motorcycles and all-terrain vehicles. Enforcement agencies would also provide enforcement of this section of statute.

2) Are there any potential conflicts with current Federal or State law? (If yes, please provide citation and example.) None known

3) Are there any issues that would prevent implementation? (Please explain.) None known

4) What do other states do? Other states allow for passengers on motorcycles and all-terrain vehicles according to their State laws.

5) Comments? There is no safety check required on whether additional equipment that allows passengers on motorcycles and all-terrain vehicles is safe.

FISCAL IMPACT (HURF, SHF, Personnel, Etc):

Agency/Division: Unknown.

State: Unknown.

Others: Unknown.

PROGRAMMING IMPACT:

Assumptions: None.

System Changes: None required.

Cost Estimate: None.

POTENTIAL SUPPORTING STAKEHOLDERS:

1) Motorcycle and all-terrain vehicle owners that want to carry passengers on their vehicles which are not currently designed to carry passengers; manufacturers of equipment intended to modify motorcycles and all-terrain vehicles so they can carry passengers; Motorcycle training schools; law enforcement

POTENTIAL OPPOSING STAKEHOLDERS:

2) Individuals and groups concerned with the safety of modified vehicles.

RECOMMENDED ADOT POSITION: (Underline) Support -- Oppose -- Amend -- Neutral
Explanation:

H2236: ATV & MOTORCYCLE PASSENGERS 3/4 from Senate trans do pass.

H2237: VEHICLE LIGHTS; EMERGENCY COLORS PROHIBITED

A person is prohibited from driving a vehicle or equipment on a highway with a lamp or device that is capable of displaying a red or red and blue light or lens visible from directly in the rear of the vehicle, in addition to directly in front of the vehicle. This prohibition does not apply to the stoplight and other signal devices.

First sponsor: Rep. Shope

H2248: MOBILE HOME SALES; TRANSPORTABILITY; LIABILITY

The seller of a mobile home in a mobile home park is required to provide to the buyer a signed certificate of transportability that states whether the mobile home is physically removable from its lot in the park and whether the landlord has consented to issue a written clearance for removal of the mobile home. A buyer who receives the certificate may void the purchase if the buyer determines within 60 days after receiving title that the mobile home is not removable or that the landlord has not issued a written clearance for removal. A buyer who voids the sale is not liable for unpaid rent or other obligations incurred by the seller.

First sponsor: Rep. Ackerley

H2248: MOBILE HOME SALES; TRANSPORTABILITY; LIABILITY 1/22 referred to House com.

H2257: THIRD PARTIES; AUTO TITLE LENDERS

An authorized third party (to perform driver licensing and vehicle title, registration and licensing tax functions) and a person who conducts secondary motor vehicle finance transactions are prohibited from conducting business within the same office space.

First sponsor: Rep. McCune Davis

H2257: THIRD PARTIES; AUTO TITLE LENDERS 2/10 referred to House trans-inf.

H2258: AUTO TITLE LOANS; MILITARY MEMBERS

For secondary motor vehicle finance transactions, a violation of the federal John Warner National Defense Authorization Act for FY2007 or any regulation adopted under that Act is a violation of state regulations relating to auto title loans.

First sponsor: Rep. McCune Davis

H2258: AUTO TITLE LOANS; MILITARY MEMBERS 2/16 referred to House mil-pub.

H2272: LAW ENFORCEMENT OFFICERS; FIREARM PURCHASE

On retirement and subject to employer approval, law enforcement officers and probation officers who are members of the Arizona State Retirement System, the Elected Officials' Retirement Plan, the Public Safety Personnel Retirement System, and the Corrections Officer Retirement Plan are permitted to purchase the firearms issued by the employer to the officer at a price determined by the administrator of the employing agency. AS PASSED HOUSE.

First sponsor: Rep. Borrelli

H2272: LAW ENFORCEMENT OFFICERS; FIREARM PURCHASE 3/4 from Senate gov do pass.

H2295: UNLAWFUL FLIGHT FROM LAW ENFORCEMENT

For the purpose of the crime of unlawful flight from a pursuing law enforcement vehicle, the law enforcement vehicle is no longer required to be appropriately marked to show that it is an official law enforcement vehicle.

First sponsor: Rep. E. Farnsworth

H2297: STATE AGENCY RULEMAKING; RESTRICTIONS

State agencies are prohibited from adopting any new rule that would increase existing regulatory restraints or burdens on the free exercise of property rights or the freedom to engage in an otherwise lawful business or occupation, unless the rule is a component of a comprehensive effort to reduce regulatory restraints or burdens or is strictly ministerial in implementing legislation standards. Some exceptions. Any person subject to a civil or criminal proceeding arising from the enforcement of a rule in violation has a defense to the enforcement action.

First sponsor: Rep. E. Farnsworth

General Comments (all lists):

BILL #: HB 2297

TITLE: state

agency rulemaking;

restrictions

SPONSOR(S): Rep Farnsworth

DATE ASSIGNED: 1-15-15

DIVISION / PROGRAM(S) ASSIGNED: Government Relations/Rules

PREPARED BY: Eileen Colleran

DATE SUBMITTED: 1/21/15

BILL SUMMARY:

If this bill is approved, it will impose additional judicial and legislative intervention and restrictions to rulemaking and may lead to costly litigation against ADOT to determine whether an agency rule satisfies the bill's criteria. This creates additional liability for the agency, uncertainty for private industries, affects public safety, and increases costs for Arizona taxpayers. For example, this bill restricts agency discretion over new rules and may prohibit new rules on certain ADOT operations like ignition interlocks, third parties, and traffic survival school businesses. Moreover, the reference to property rights may also impact ADOT's rulemaking authority over property-related matters and thus restrict property acquisition, highway construction, and project delivery. Specifically, ADOT has identified the following sections in Title 28 of the Arizona Revised Statutes (ARS) that may be affected by this bill:

- Certified Ignition Interlock Device Manufacturers and Installers (ARS § 28-1465);
 - Overdimensional Permits (ARS §§ 28-1095, 28-1103, 28-7045);
 - Outdoor Advertising (ARS §§ 28-7902 and 28-7908);
 - Highway Encroachment Permits (ARS §§ 28-7045 and 28-7054);
 - Property and Relocation Assistance (ARS § 28-7148);
 - Public-Private Partnerships (ARS § 28-7702);
 - Junkyard Screening (ARS § 28-7942); and
 - Grand Canyon National Park Airport (ARS § 28-8419).
-
- Negatively affects ADOT's ability to maximize economic opportunities and state government reforms through private industry in areas such as public-private partnerships, traffic survival schools, and authorized third parties, consequently creating excessive barriers or uncertainty and unwillingness to more effectively deliver goods and services at a significantly reduced cost to Arizona taxpayers.
 - Extremely vague and subject to interpretation. Accordingly, this restricts ADOT's ability to meet statutory rulemaking mandates in addition to other necessary operating activities. For instance, interpreting and implementing the requirement that ministerial rules (i.e., no discretion) must accord with legislative standards that manifest, "a clear legislative determination of all relevant public policies" can be difficult, subjective, and problematic.
 - Interpreting what "new" means also creates issues. For instance, will this apply to any revisions, amendments, or 5-year reviews on all agency rules?
 - Prohibits ADOT from meeting statutory requirements for adopting even ministerial rules if the statutory authority is not directly expressed or sufficiently clear.
 - If the agency cannot meet the bill's criteria, rules cannot be adopted that incorporate federal requirements, causing ADOT to be out of compliance and at risk for losing federal funding (currently 75%, or \$3 billion, of ADOT's 5-year construction program).

AMENDING ARS:

Title 41, Chapter 6, Article 3 by adding section 41-1038

**IMPACT ON ADOT: (Underline) Extremely Positive -- Positive -- None
-- Negative -- Extremely Negative**

IMPLEMENTATION IMPACTS:

1) What does ADOT currently do? The Arizona Department of Transportation (ADOT) currently follows the Arizona Administrative Procedure Act and the Governor's moratorium (Executive Order (EO) 2015-01) on rulemaking. Due to the rulemaking moratorium, ADOT must get approval from the Governor's Office before initiating a rulemaking and must also have statutory authority to do so.

2) Are there any potential conflicts with current Federal or State law? (If yes, please provide citation and example.) If the agency cannot meet the bill's criteria, rules cannot be adopted that incorporate federal requirements, causing ADOT to be out of compliance and at risk for losing federal funding (currently 75%, or \$3 billion, of ADOT's 5-year construction program).

3) Are there any issues that would prevent implementation? (Please explain.)

4) What do other states do?

5) Comments?

FISCAL IMPACT (HURF, SHF, Personnel, Etc):

Agency/Division: ADOT – The bill could have significant fiscal impacts if the implementation of the bill causes loss of federal funding and/or prevents possible public private partnerships or other potential efficiencies for the agency. In addition, there is a potential for increased litigation costs.

State: Would impact all other state agencies as well.

Others:

PROGRAMMING IMPACT:

Assumptions: Unknown at this time

System Changes:

Cost Estimate:

POTENTIAL SUPPORTING STAKEHOLDERS:

1)

POTENTIAL OPPOSING STAKEHOLDERS:

2)

RECOMMENDED ADOT POSITION: (Underline) Support -- Oppose -- Amend -- Neutral

Explanation: The bill is vague and subject to interpretation. The potential impact to ADOT is very high and could potentially impact most areas of business. The potential for a large fiscal impact is high. Finally, the Governor has already established a new rules moratorium that should prevent the issues that the bill appears to be targeting.

H2297: STATE AGENCY RULEMAKING; RESTRICTIONS 2/26 referred to Senate gov.

H2298: STATE EMPLOYMENT; PRIOR CONVICTIONS; DISCLOSURES

A person whose conviction has been set aside is not relieved from disclosing that conviction in an application for state employment or from providing authorization to release criminal background information regarding that conviction for state employment purposes.

First sponsor: Rep. E. Farnsworth

H2308: VEHICLE EQUIPMENT; LIGHTING

A tail lamp is added to the list of vehicle lamps that must be maintained at all times in good working condition, in addition to a stop lamp or other signal lamps.

First sponsor: Rep. E. Farnsworth

H2308: VEHICLE EQUIPMENT; LIGHTING 2/26 referred to Senate pub-mil-tech.

H2313: MOTOR VEHICLE FRANCHISES; MOTORCYCLE DEALERS

A motor vehicle franchisor is not required to send notice to other franchises if a proposed new motor vehicle dealership is a motorcycle dealer.

First sponsor: Rep. E. Farnsworth

General Comments (all lists):

BILL #: HB2313
franchises; motorcycle dealers

TITLE: motor vehicle

SPONSOR(S): Representatives Farnsworth E, Cardenas, Petersen: Bowers, Campbell, Espinoza, Norgaard, Robson, Senators Meza, Smith

DATE ASSIGNED: 1/16/14

DIVISION / PROGRAM(S) ASSIGNED: ADOT/MVD/CLASS

PREPARED BY: Debbie Mullins

DATE SUBMITTED: 1/20/14

BILL SUMMARY: Excludes franchised new motorcycle dealerships from the radius/community franchise notification check of other dealers that is required when a new dealership is established.

AMENDING ARS: Section 28-4453, Arizona Revised Statute; Relating to Motor Vehicle Franchises

IMPACT ON ADOT: (Underline) Extremely Positive -- Positive -- None -- Potential Negative -- Extremely Negative

IMPLEMENTATION IMPACTS:

1) What does ADOT currently do? Licenses Motor Vehicle Dealers and has strict laws governing franchise protection, including the community/radius notification in ARS 28-4453.

2) Are there any potential conflicts with current Federal or State law? (If yes, please provide citation and example.) None known.

3) Are there any issues that would prevent implementation? (Please explain.) None known.

4) What do other states do? Other States license motor vehicle dealers in accordance with their State laws; this includes community/radius checks if required.

5) Comments? This will set new motorcycle dealerships aside from other vehicle dealerships in that they won't be restricted by objections raised during this process. This will speed motorcycle dealerships opening and promotes less restriction on commerce.

FISCAL IMPACT (HURF, SHF, Personnel, Etc):

Agency/Division: The Dealer Licensing Unit will not have to do notifications for new motorcycle dealerships which will save time and money.

State: None known

Others: Some established motorcycle dealerships could lose some business to new motorcycle dealerships for which they cannot object to the opening because there will be no notification sent.

PROGRAMMING IMPACT:

Assumptions: No programming required.

System Changes: None needed.

Cost Estimate: Unknown

POTENTIAL SUPPORTING STAKEHOLDERS:

1) Motorcycle franchise dealers; manufacturers that want to have multiple dealerships in the same community; new motorcycle dealerships; individuals and groups that support few restrictions on commerce.

POTENTIAL OPPOSING STAKEHOLDERS:

2) Established new motorcycle dealerships; those that don't want a different set of regulations for motorcycle dealerships opposed to other dealerships.

RECOMMENDED ADOT POSITION: (Underline) Support -- Oppose -- Amend -- Neutral

Explanation:

H2313: MOTOR VEHICLE FRANCHISES; MOTORCYCLE DEALERS 2/17 House trans-inf no action.

H2320: FIREARMS; PERMIT HOLDERS; PUBLIC PLACES

It is not considered misconduct involving weapons to carry a deadly weapon at a public establishment or event if the person possesses a valid concealed weapons permit. Does not apply to public establishments or events that have security personnel and electronic weapons screening devices and that require each person carrying a deadly weapon to leave it in possession of the security personnel while the person is in the establishment or event.

First sponsor: Rep. Barton

H2320: FIREARMS; PERMIT HOLDERS; PUBLIC PLACES 3/2 House COW approved with amend #4169.

H2321: PUBLIC LANDS; CONVEYANCE AND TAXATION

By December 31, 2016, the United States is required to extinguish title to all public lands in and transfer title to the state of Arizona. If the state sells public lands to which the state received title under the transfer, the state is required to retain 5 percent of the net proceeds of the sale for deposit in the Permanent State School fund and to pay 95 percent of the net proceeds of the sale to the U.S. Beginning in 2017, all public lands to which the U.S. has not extinguished and transferred title to Arizona are subject to assessment, levy and taxation. The Public Lands Board of Review is required to recommend legislation establishing a commission to administer the disposal of public lands and establishing the process for the state to receive title to public lands from the U.S. The Board is required to reports its findings to the Governor and the Legislature by November 30, 2017.

First sponsor: Rep. Barton

H2321: PUBLIC LANDS; CONVEYANCE AND TAXATION 3/4 House COW approved with floor amend #4657, a substitute for amend 4377; the rules tech amendment was withdrawn.

An intergovernmental agreement may require one public agency to defend, indemnify or hold harmless the other public agency for liabilities, damages, losses and costs only to the extent caused by the negligence, recklessness or intentional wrongful conduct of the indemnifying public agency. Any other indemnity clause in an intergovernmental agreement is void.

First sponsor: Rep. Weninger

General Comments (all lists):

BILL #: HB2324
indemnification

TITLE: intergovernmental agreements; public agency

SPONSOR(S): Representatives Weninger, Fann, Barton, Cobb, Shope

DATE ASSIGNED: January 15, 2015

DIVISION / PROGRAM(S) ASSIGNED: Safety & Risk Management

PREPARED BY: Ted Howard, Safety & Risk Management Administrator

DATE SUBMITTED: January 20, 2015

BILL SUMMARY: The substantive changes proposed under HB 2324 are found in §11-952.K and §11-952.L. §11-952.K prescribes specific language applicable to agreements between public agencies. The definition of "public agency" in the Section includes, among others, the State, the Federal Government, and the Tribes.

The prescribed or authorized indemnity language states that public agencies may indemnify "...but only to the extent caused by the negligence, recklessness or intentional wrongful conduct of the indemnifying public agency."

§11-952.L states that any other indemnity is void.

AMENDING ARS: ARS § 11-952 Intergovernmental agreements and contracts; indemnification

IMPACT ON ADOT: (Underline) Extremely Positive -- Positive -- None --
Negative -- Extremely Negative

IMPLEMENTATION IMPACTS:

1) What does ADOT currently do?

When agreeing to terms, public agencies subject to the ARS generally rely on standard indemnity language as established by the Public Risk Management Association of Arizona ("PRIMA of Arizona"). However, there are exceptions, and the Federal Government and the Tribes do not agree to the same standards. In fact, they may not be authorized to agree to the standard language used by public agencies of this State.

2) Are there any potential conflicts with current Federal or State law? (If yes, please provide citation and example.)

Yes, as mentioned in the answer to question number 1, agencies not subject to ARS may not be authorized under their own laws or rules to agree to the terms prescribed in the proposed amendment.

3) Are there any issues that would prevent implementation? (Please explain.)

None known.

4) What do other states do?

Unknown.

5) Comments?

Although we have had limited time to discuss and research this legislation, it appears that it would apply to agreements with the Federal Government and the Tribes. Both are frequent business partners of ADOT. Our experience and our reading of this Bill indicate that ADOT, in many cases, would **NOT** be permitted to agree to terms with the Federal Government and the Tribes when an indemnity clause is present.

FISCAL IMPACT (HURF, SHE, Personnel, Etc): unknown, potentially substantial.

Agency/Division:

State:

Others:

PROGRAMMING IMPACT: unknown, potentially substantial.

Assumptions:

System Changes:

Cost Estimate:

POTENTIAL SUPPORTING STAKEHOLDERS:

1) Unknown.

POTENTIAL OPPOSING STAKEHOLDERS:

2) Local public agencies of the State.

RECOMMENDED ADOT POSITION: (Underline) Support -- **Oppose** -- Amend --
Neutral

Explanation: Our experience and our reading of this Bill indicate that ADOT, in many cases, would **NOT** be permitted to agree to terms with the Federal Government and the Tribes when an indemnity clause is present.

We recommend that the Bill be opposed, or alternative language be proposed to remove the Federal Government and the Tribes from the definitions for the Section. The Bill should not apply to agreements involving public agencies not governed by the ARS.

H2324: INTERGOVERNMENTAL AGREEMENTS; PUBLIC AGENCY INDEMNIFICATION 3/4 from Senate gov do pass.

H2327: VEHICLE INSURANCE CARDS; BARCODE

Motor vehicle insurers are authorized to place an encrypted barcode on insurance cards.

First sponsor: Rep. Robson

H2327: VEHICLE INSURANCE CARDS; BARCODE 3/4 from Senate trans do pass.

H2336: CONTRACT PROGRESS PAYMENTS; DESIGN PROFESSIONALS

"Design professionals" and "design professional service contracts" (both defined) are added to current statute regulating contracts and requiring prompt payment for employment of contractors for public buildings and improvements. Session law specifies that changes relating to contracts with public agencies do not apply to design professional service contracts entered into before the effective date of this legislation. AS PASSED HOUSE.

First sponsor: Rep. Fann

H2336: CONTRACT PROGRESS PAYMENTS; DESIGN PROFESSIONALS 3/4 referred to Senate trans, gov.

H2343: TEENAGE DRIVERS; COMMUNICATION DEVICES PROHIBITED

For the first six months that a class G driver licensee holds the license, the licensee is prohibited from driving a motor vehicle while using a wireless communication device for any reason, except during an emergency in which stopping the vehicle is impossible or will create an additional hazard. Does not apply beginning on the licensee's 18th birthday. Instruction permit holders for a class D or G driver license are prohibited from driving a motor vehicle while using a wireless communication device for any reason, except during an emergency in which stopping the vehicle is impossible or will create an additional hazard. Effective July 1, 2016.

First sponsor: Rep. Fann

H2344: FRIST RESPONDER SPECIAL PLATES

The Department of Transportation is authorized to issue special first responder license plates if an entity pays \$32,000 in start-up costs by December 31, 2015. Of the \$25 annual fee, \$8 is an administrative fee and \$17 is a donation to the newly established First Responder Special Plate Fund, to be allocated to a nonprofit organization that offers financial assistance and other support to families of public safety officers and firefighters who are seriously injured or killed in the line of duty.

First sponsor: Rep. Fann

H2344: FRIST RESPONDER SPECIAL PLATES 1/27 referred to House trans-inf.

H2345: MOTORCYCLES; ALL-TERRAIN VEHICLES; CYCLES; EQUIPMENT

Motorcycles, all-terrain vehicles and motor driven cycles are no longer prohibited from being equipped with handlebars positioned so that the operator's hands are above shoulder height. Motorcycles, all-terrain vehicles and motor driven cycles operated with a passenger are no longer required to be equipped with handrails for the passenger.

First sponsor: Rep. Fann

General Comments (all lists):

BILL #: HB2345
vehicles; cycles; equipment

TITLE: motorcycles; all-terrain

SPONSOR(S): Rep. Fann: Campbell

DATE ASSIGNED: 1-16-15

DIVISION / PROGRAM(S) ASSIGNED: MVD

PREPARED BY: Ralene Whitmer

DATE SUBMITTED: 1-28-15

BILL SUMMARY: Removes the violation of operating a motorcycle, all-terrain vehicle or motor driven cycle equipped with handlebars above the operator's shoulders.

AMENDING ARS: 28-964

IMPACT ON ADOT: (underline)

➤Extremely Positive -- Positive -- Neutral – Negative --
Extremely Negative

➤Implementation Efforts: None — Very Minor — Minor — Medium
— Major

IMPLEMENTATION IMPACTS:

1) **What does ADOT currently do?** ADOT currently maintains an Acceptable Violation Code Table (AVCT) for use in applying administrative actions to a person's driving privilege when they are found guilty or responsible of a traffic offense.

2) **Are there any potential conflicts with current Federal or State law?** (If yes, please provide citation and example.)

3) **Are there any issues that would prevent implementation?** (Please explain.)

4) **What do other states do?**

5) **Comments?** ADOT would need to update the AVCT to remove the violation code of 28-964C.

FISCAL IMPACT (HURF, SHF, Personnel, Etc):

Agency/Division:

Others:

PROGRAMMING IMPACT:

Assumptions:

System Changes: Removal of a violation

Cost Estimate: Programmer: 20 hours *\$50 = \$1,000
Business Analyst: 10 hours * 45 = \$450
Total: \$1.450

POTENTIAL SUPPORTING STAKEHOLDERS:

1)

POTENTIAL OPPOSING STAKEHOLDERS:

2)

RECOMMENDED ADOT POSITION: (Underline) Support -- Oppose --
Amend -- Neutral
Explanation:

H2345: MOTORCYCLES; ALL-TERRAIN VEHICLES; CYCLES; EQUIPMENT 3/4 from Senate trans do pass.

H2358: TPT; EXEMPTION; CROP DUSTERS

The list of deductions from the tax base for the retail classification of transaction privilege taxes and use taxes is expanded to include the gross proceeds of sales or gross income derived from sales of "agricultural aircraft," defined as an aircraft built for agricultural use for the aerial application of pesticides or fertilizer or for aerial seeding. Retroactive to taxable periods beginning April 18, 1985. Any claim for a refund based on the retroactive application of this deduction must be submitted to the Department of Revenue by December 31, 2015. The aggregate amount of the refunds issued under the retroactive application cannot exceed \$10,000, and interest cannot be allowed or compounded on any refundable amount if paid before July 1, 2016. Retroactive provisions are nonseverable. AS PASSED HOUSE.

First sponsor: Rep. Shope

H2358: TPT; EXEMPTION; CROP DUSTERS 2/19 referred to Senate fin.

H2365: OFF-HIGHWAY VEHICLES; ENFORCEMENT

Peace officers and other duly authorized state employees are no longer limited to enforcing off-highway vehicle regulations only on land solely under state or county jurisdiction or land that is open as indicated by federal law.

First sponsor: Rep. Thorpe

H2365: OFF-HIGHWAY VEHICLES; ENFORCEMENT 3/4 referred to Senate trans, pub-mil-tech.

H2368: SOVEREIGN AUTHORITY; EXECUTIVE ORDERS; DOJ

The state of Arizona and all political subdivisions are prohibited from using any personnel or financial resources to enforce, administer or cooperate with either an executive order issued by the President of the U.S. or a policy directive issued by the U.S. Department of Justice to law enforcement agencies that has not been affirmed by a vote of the U.S. Congress and signed into law as prescribed by the U.S. Constitution.

First sponsor: Rep. Thorpe

H2368: SOVEREIGN AUTHORITY; EXECUTIVE ORDERS; DOJ 3/3 from House rules okay.

H2370: TEXTING WHILE DRIVING; PROHIBITION

It is a nonmoving civil traffic violation to use a handheld wireless communication device to manually write, send or read a written message while operating a motor vehicle. Some exceptions. Violations are subject to a civil penalty of \$50 or \$200 if the person is involved in a motor vehicle accident. Establishes a warning period from January 1, 2016 through January 31, 2016. Effective January 1, 2016.

First sponsor: Rep. Steele

H2376: TRAFFIC COMPLAINT QUOTAS; PROHIBITION

The state and political subdivisions are prohibited from implementing traffic complaint quota requirements for a peace officer or duly authorized agent of a traffic enforcement agency.

First sponsor: Rep. Wheeler

H2376: TRAFFIC COMPLAINT QUOTAS; PROHIBITION 1/29 referred to House trans-inf.

H2378: PEACE OFFICERS; UNLAWFUL SEXUAL CONDUCT

It is unlawful sexual conduct for a peace officer to knowingly engage in sexual contact, oral sexual contact or sexual intercourse with any person in the officer's custody or who the officer knows or has reason to know is the subject of an investigation. Unlawful sexual conduct is a class 5 (second lowest) felony, except that if the victim is under 18 it is a class 3 (mid-level) felony and if the victim is under 15 years of age it is a class 2 (second highest) felony. Does not apply to touching that occurs during a lawful search or to an officer who is married to or in a romantic or sexual relationship with the person at the time of the arrest or investigation, which may be determined by specified factors. AS PASSED HOUSE.

First sponsor: Rep. Borrelli

H2378: PEACE OFFICERS; UNLAWFUL SEXUAL CONDUCT 3/4 referred to Senate jud.

H2380: STATE BUDGET; ESTIMATES; PUBLIC NOTICE

Beginning in 2016, on or before February 15 of each year, the Director of the Joint Legislative Budget Committee is required to calculate and transmit to the chairmen of specified legislative committees a truth in spending estimate that calculates the amount of general fund appropriations for the current FY plus the total amount of all appropriations from other sources for the current FY, adjusted by the percentage change in the population for the most recent available 12 month period and by the positive or negative percentage change in the cost of living for the most recent available 12 month period. Beginning in FY2016-17, if a standing committee recommends the passage of a general appropriation bill that exceeds the truth in spending estimate, the House and Senate appropriations committees are required to hold a joint truth in spending hearing before the bill receives a full vote of either chamber and to issue a press release in a specified form at least three days before the joint hearing. AS PASSED HOUSE.

First sponsor: Rep. Olson

H2380: STATE BUDGET; ESTIMATES; PUBLIC NOTICE 3/4 from Senate appro do pass.

H2381: TPT; USE TAX EXEMPTION; AIRCRAFT

The list of deductions from the tax base for the retail classification of transaction privilege taxes and use taxes is expanded to include the gross proceeds of sales or gross income derived from sales of aircraft, navigational and communication instruments and related equipment leased or otherwise transferred to a specified list of persons, in addition to sold to those persons. The list of persons to whom the exempted aircraft and related equipment may be sold, leased or transferred to is expanded to include a certificated or licensed carrier of persons for hire to be used to transport persons or property for hire in intrastate, interstate or foreign commerce. Retroactive to taxable period beginning Jun 1, 1998. Any claim for refund of TPT or use tax based on the retroactive application of this legislation must be submitted to the Department of Revenue by December 31, 2015, and the burden is on the taxpayer to establish the amount of tax paid and the amount qualifying for this deduction. If a refundable amount is not determined or paid until after June 30, 2016, interest accrues after that date. AS PASSED HOUSE.

First sponsor: Rep. Olson

H2381: TPT; USE TAX EXEMPTION; AIRCRAFT 2/24 referred to Senate fin.

H2385: METAL THEFT LEGISLATIVE COMMITTEE; REPORT

The deadline for the report that the Joint Legislative Committee on Metal Theft must submit to the Legislature is moved to November 1, 2023, from December 1, 2023.

First sponsor: Rep. Ugenti

H2395: WEIGHTS & MEASURES; BIOFUELS

The sale of diesel fuel grade 1, 2 or 4 and biodiesel or biodiesel blends that contains sulfur in excess of 15 parts per million, decreased from 500 parts per million, is prohibited. Locomotive and marine diesel fuel that meets specified requirements of federal law is exempt. For the purpose of Department of Weights and Measures statutes, the definitions of "biofuel" and "ethanol flex fuel" are modified.

First sponsor: Rep. Pratt

H2395: WEIGHTS & MEASURES; BIOFUELS 2/25 referred to Senate water-energy.

H2397: VEHICLE RIGHT-OF-WAY; TOW TRUCKS

If a person driving a vehicle approaches a tow truck that is in the process of loading a vehicle, the person is required to yield the right-of-way by making a land change into a lane not adjacent to that of the tow truck, or if changing lanes would be impossible or unsafe, proceed with due caution and reduce the speed of the vehicle.

First sponsor: Rep. Pratt

H2398: RESIDENTIAL TOW TRUCK PARKING; LIMITATION

Municipalities cannot prohibit a tow truck operator from parking a single tow truck at the operator's residence if the operator is required to be available on an on-call basis.

First sponsor: Rep. Pratt

H2398: RESIDENTIAL TOW TRUCK PARKING; LIMITATION 2/26 referred to Senate trans.

H2400: BUSINESS LICENSING; ELECTRONIC DATABASE (~~TECH CORRECTION; REGENTS; LAND-FUNDS~~)

An agency, department, board or commission other than the Corporation Commission that has approved an applicant for a license is required to forward the approved application to the Secretary of State, and the Secretary of State is required to issue the license. The Secretary of State is required to establish and maintain an electronic database of all issued licenses that is electronically searchable by the public. Emergency clause. AS PASSED HOUSE.

First sponsor: Rep. Stevens

H2400: BUSINESS LICENSING; ELECTRONIC DATABASE 2/23 referred to Senate com-work dev, appro.

H2408: TOWING CONTRACTS; DPS

The Department of Public Safety (DPS) is required to include a "super heavy duty towing vehicle" (defined) classification in its towing services pricing when entering into towing contracts. The DPS Director is required to establish the maximum allowable rates for all towing vehicle classifications used in towing contracts. Each maximum allowable rate must include the "base rate" (defined as the rate in towing contracts existing on July 1, 2014) plus an increase equal to the total percentage adjustment in the year-to-year July combined transportation services index from July 2010 to July 2014 as published by the U.S. Department of Transportation. The super heavy duty towing vehicle maximum allowable rate must be twice the base rate for the heavy duty towing vehicle. Beginning January 1, 2016, the maximum allowable towing and storage service rates are subject to a towing contract, and on December 31 of each subsequent year, DPS is required to adjust the fees by an amount equal to the total percentage change in the combined transportation services index from year to year as published by the U.S. Department of Transportation or two percent, whichever is greater. The maximum allowable rates cannot be revised below the amounts prescribed in the prior year. AS PASSED HOUSE.

First sponsor: Rep. Stevens

H2408: TOWING CONTRACTS; DPS 3/4 Senate pub-mil-tech held.

H2410: MUNICIPALITIES; TRAFFIC CITATION QUOTA; PROHIBITION

Municipalities, police departments, county boards of supervisors, county sheriffs, and the Department of Public Safety are prohibited from implementing traffic complaint quotas for peace officers, and from basing the determination of an officer's rank or classification on the number of traffic complaints issued. AS PASSED HOUSE.

First sponsor: Rep. Stevens

H2410: MUNICIPALITIES; TRAFFIC CITATION QUOTA; PROHIBITION 3/4 stricken from Senate consent calendar by Smith.

H2411: DEFENSIVE DRIVING SCHOOLS; ELIGIBILITY

A person who attends defensive driving school is not eligible to attend a defensive driving school again within 12 months, decreased from 24 months, from the day of the last violation for which he/she attended the school.

First sponsor: Rep. Stevens

General Comments (all lists):

BILL #: HB2411
driving schools; eligibility

TITLE: defensive

SPONSOR(S): Representatives Stevens, Cardenas: Bowers, Espinoza, Leach, Petersen,
Senators Kavanagh, Meza

DATE ASSIGNED: 1/16/2015

DIVISION / PROGRAM(S) ASSIGNED: ADOT/MVD/CLASS

PREPARED BY: Debbie Mullins

DATE SUBMITTED: 1/20/2015

BILL SUMMARY: This proposal would change the eligibility requirements of attending defensive driving school from once every 24 months to once every 12 months.

AMENDING ARS: Amending Section 28-3392, Arizona Revised Statutes; relating to defensive driving schools.

IMPACT ON ADOT:(Underline)Extremely Positive -- Positive -- None -- Negative -- Extremely Negative

IMPLEMENTATION IMPACTS:

1) What does ADOT currently do? ADOT does not administer the Defensive Driving program in Arizona; it falls under the Supreme Court. ADOT/MVD does administer the Traffic Survival School program for drivers that are convicted of certain offenses, or who accumulate excessive points on their driving record. This legislation could potentially reduce the number of Traffic Survival School attendees because increased Defensive Driving attendance will reduce the number of violations reported to ADOT/MVD.

2) Are there any potential conflicts with current Federal or State law? (If yes, please provide citation and example.) None known.

3) Are there any issues that would prevent implementation? (Please explain.) None known.

4) What do other states do? Other states provide for various types of traffic school attendance, including Defensive Driving ticket dismissal programs, according to their own laws.

5) Comments? No CDL impact because CDL holders are not eligible for Defensive Driving School as it would mask citations.

FISCAL IMPACT (HURF, SHF, Personnel, Etc):

Agency/Division: Unknown

State: The Arizona Supreme Court would incur the costs associated with this change as they track Defensive Driving School attendance and

eligibility.

Others: Defensive Driving Schools would see increased revenue as repeat offenders would be eligible to attend more frequently. Traffic Survival Schools would possibly see decreased revenue due to some individuals not accumulating enough points to require attendance.

PROGRAMMING IMPACT:

Assumptions: ADOT/MVD does not monitor the Defensive Driving program, the Arizona Supreme Court does, so they would incur the programming associated with implementing this legislation.

System Changes: None

Cost Estimate: None

POTENTIAL SUPPORTING STAKEHOLDERS:

1) Defensive Driving Schools; individuals that get frequent traffic citations that are eligible for Defensive Driving School attendance; Superior Courts

POTENTIAL OPPOSING STAKEHOLDERS:

2) Traffic Survival Schools; Courts; Law Enforcement agencies; Insurance companies

RECOMMENDED ADOT POSITION: (Underline) Support -- Oppose --

Amend -- Neutral

Explanation:

H2411: DEFENSIVE DRIVING SCHOOLS; ELIGIBILITY 2/23 referred to Senate trans.

H2422: VEHICLE TOWING

Tow truck operators are required to provide proof of financial responsibility that includes insurance policies of \$2 million in the aggregate, instead of being required to obtain a bond. If a towing firm with a contractual agreement with the Department of Public Safety acquires another towing firm with a contractual agreement with the Dept, both contractual agreements remain valid for one year after the date of the acquisition or until the end of the contractual agreement, whichever is shorter. Previously, both contractual agreements remained valid for one year after the date of the acquisition. AS PASSED HOUSE.

First sponsor: Rep. Fann

H2422: VEHICLE TOWING 2/24 referred to Senate trans, com-work dev.

H2423: REAL ID ACT; DRIVER LICENSES

A person is permitted to apply to the Department of Transportation for a driver license or nonoperating identification license that complies with the federal REAL ID Act of 2005 and that meets all of the

requirements of the U.S. Department of Homeland Security (USDHS) for a REAL ID compliant credential. On receipt of a proper application, the Dept is required to issue a license that bears a USDHS approved marking reflecting that the license meets REAL ID requirements. Statute prohibiting the implementation of the federal REAL ID Act of 2005 is repealed.

First sponsor: Rep. Coleman

H2423: REAL ID ACT; DRIVER LICENSES 2/3 referred to House fed-state, trans-inf.

H2432: AZ FIRST RESPONDERS' DAY

The September 27th of each year is Arizona First Responders' Day of Gratitude and Remembrance, which is not a legal holiday. AS PASSED HOUSE.

First sponsor: Rep. Thorpe

H2432: AZ FIRST RESPONDERS' DAY 3/4 from Senate rules okay. To Senate consent calendar.

H2434: AUTOMATIC VOTER REGISTRATION; DRIVER LICENSES

Beginning January 1, 2016, every person who is applying for a driver license or renewal and who is otherwise qualified to register to vote must be registered to vote automatically on completion of the license application unless the applicant clearly expresses a decision not to register.

First sponsor: Rep. Sherwood

H2438: PTSD; PUBLIC SAFETY

Establishes a 13-member Post-Traumatic Stress Disorder (PTSD) in Public Safety Committee to research and report on the effects of PTSD on state and local law enforcement officers. The Committee is required to report its findings and recommendations to the Governor and the Legislature by December 31, 2015 and self-repeals October 1, 2016.

First sponsor: Rep. Livingston

H2438: PTSD; PUBLIC SAFETY 2/25 Senate pub-mil-tech held.

H2443: TOURIST ATTRACTION SIGNAGE ON HIGHWAYS

The Department of Transportation is prohibited from requiring the removal of a sign on state highways if the sign has been in place for at least 20 years and the sign identifies a tourist attraction in Arizona that meets specified qualifications. An attraction that has such a sign must contract for payment with the Dept, and the contract must have specified terms.

First sponsor: Rep. Montenegro

H2443: TOURIST ATTRACTION SIGNAGE ON HIGHWAYS 1/28 referred to House trans-inf.

H2472: REPEAL; RIGHT TO WORK

Statute prohibiting agreements denying employment because of nonmembership in labor organizations is repealed. Conditionally enacted on the state Constitution being amended by the voters at the 2016 general election to repeal the right to work or employment without membership in labor organizations.

First sponsor: Rep. Mendez

H2501: WOMEN VETERAN SPECIAL PLATES

The Department of Transportation may only issue women veteran special license plates to a person who submits satisfactory proof that the person is a veteran or to the immediate family member of a person who has been issued a women veteran special license plate.

First sponsor: Rep. Larkin

General Comments (all lists):

RECOMMENDED ADOT POSITION: (Underline) Support -- Oppose --
Amend -- Neutral

Explanation: Need instructions added for how ADOT is to treat Women Veterans special plates that have previously been issued to non-veterans.

H2501: WOMEN VETERAN SPECIAL PLATES 2/12 from House mil-pub do pass.

H2522: SPECIAL PLATES; HEALTH SCIENCE; HOCKEY

The Department of Transportation is authorized to issue special health sciences educational institution license plates if a person pays \$32,000 in start-up costs by December 31, 2015. Of the \$25 annual fee, \$8 is an administrative fee and \$17 is a donation to a newly established Health Sciences Educational Institution Special Plate Fund, to be allocated to a nonprofit entity that provides graduate and postgraduate education in the "health sciences" (defined) and has an enrollment of at least 3,000 full-time students. Also, the deadline for an entity to pay start-up costs for special Arizona professional hockey club license plates is moved to December 31, 2015, from December 31, 2011. AS PASSED HOUSE.

First sponsor: Rep. Gray

General Comments (all lists):

BILL #: HB2522 **TITLE:** special plates; health sciences; hockey

SPONSOR(S): Representatives Gray, Senator Lesko: Representatives Livingston, Lovas, Rivero

DATE ASSIGNED: 1-23-15

DIVISION / PROGRAM(S) ASSIGNED: MVD

PREPARED BY: Bill Beckett

DATE SUBMITTED: 1-23-15

BILL SUMMARY:

The bill, as introduced, allows the Arizona Department of Transportation (ADOT) to issue health science educational institution special plates if a person pays \$32,000 in implementation costs by December 31, 2015. Of the \$25 annual fee, \$8 is an administrative fee for deposit into the State Highway Fund and the remaining \$17 is an annual donation for deposit into a separate subaccount to be established as the Health Science Educational Institution Fund. Monies in the subaccount are to be used for a non-profit origination that will provide graduate and postgraduate health sciences education.

This bill will also extend the professional hockey special plate registration qualification to December 31, 2016 from its original expiration date of December 31, 2011.

AMENDING ARS: 28-2351, 28-2403, 28-2444, adding section 28-2452; amending sections 28-6501, 28-6991 AND 28-6993

IMPACT ON ADOT: (Underline) **Extremely Positive -- Positive -- Neutral -- Negative -- Extremely Negative**

IMPLEMENTATION IMPACTS:

1) What does ADOT currently do?

When a new organizational special plate is approved by the Legislature and signed into law; once the organization meets the outlined criteria to begin issuing their new plates, MVD must use at least 3 keys per plate. A key is basically an IT accounting mechanism to track and assign the appropriate fee for each potential variation of the special plate. The following are the typical three keys for each special license plate:

Key # 1 for the special license plate only

Key # 2 for special license plate plus permanently disabled symbol

Key # 3 for personalized special license plate (e.g. ASU Plate "Sparky 1")

If the legislation allows for the special plate to be displayed on a motorcycle plate then MVD will need to reserve or assign a fourth key to capture this unique variation of the organizational plate.

Presently, ADOT has 57 plate keys available or capacity for 19 plates based on legislation requiring 3 keys per plate.

ADOT estimates that it would cost \$250,000 to expand the number of new organization special license plates beyond current capacity.

This count does not include The Don't Tread on Me special plate, which is the only special plate that has been signed into law but not completed the implementation requirements.

2) Are there any potential conflicts with current Federal or State law? (If yes, please provide citation and example.)

3) Are there any issues that would prevent implementation? (Please explain.) There are a limited number of plate keys available. See above.

7) What do other states do:

5) Comments?

FISCAL IMPACT (HURF, SHF, Personnel, Etc):

Agency/Division:

State:

Others:

PROGRAMMING IMPACT:

Assumptions:

System Changes:

The programming tasks involved in the implementation of a special plate are:

- Research, analyze and select a range of standard and disability plate numbers that are not currently in use and will be sufficient for the requested plate type.
- Create a format to allow the new plate to be utilized as a personalized plate.
- Vehicle types that are eligible for this particular plate must be identified to the system.
- Prohibitive codes that would prevent this plate from being issued to a specific vehicle type must be identified to the system.
- Create a General Ledger Account specific to this plate.
- Add the fee and other information to the fee distribution process.
- Add programming to allow renewal via EZRenewal.
- Program existing batch reports to receive and display the new fee.
- Complete unit, system and user acceptance testing.
- Move all applicable programs to production.
- Execute production certification.

Cost Estimate: \$32,000 which includes the initial cost for plate production

POTENTIAL SUPPORTING STAKEHOLDERS:

1)

POTENTIAL OPPOSING STAKEHOLDERS:

2)

RECOMMENDED ADOT POSITION: (Underline) **Support** **-- Oppose --**

Amend -- Neutral

Explanation:

H2522: SPECIAL PLATES; HEALTH SCIENCE; HOCKEY 2/23 referred to Senate trans.

H2523: TOWED VEHICLES; LOCAL AUTHORITY

A person is permitted to choose any towing company or operator of a towing vehicle to transport a motor vehicle from a towing company's storage premises to a vehicle repair facility. AS PASSED HOUSE.

First sponsor: Rep. Gray

H2524: FIREFIGHTERS; PROFESSIONAL GOLF; SPECIAL PLATES

The Department of Transportation is authorized to issue special firefighter license plates if a person pays \$32,000 in start-up costs by December 31, 2015. Of the \$25 annual fee, \$8 is an administrative fee and \$17 is a donation to the newly established Firefighter Special Plate Fund, to be allocated to a nonprofit corporation that has a mission of leading, serving and collaborating to mobilize enduring philanthropy for a better state. The Dept is also authorized to issue special Arizona professional golf license plates if a person pays \$32,000 in start-up costs by December 31, 2015. Of the \$25 annual fee, \$8 is an administrative fee and \$17 is a donation to the newly established Arizona Professional Golf Special Plate Fund, to be distributed to a nonprofit corporation that develops and operates youth golf programs in Arizona.

First sponsor: Rep. Stevens

General Comments (all lists):

BILL #: HB2524 **TITLE:** firefighters; professional golf; special plates

SPONSOR(S): RepresentativeStevens

DATE ASSIGNED: 1-23-15

DIVISION / PROGRAM(S) ASSIGNED: MVD

PREPARED BY: Bill Beckett

DATE SUBMITTED: 1-23-15

BILL SUMMARY:

The bill, as introduced, allows the Arizona Department of Transportation (ADOT) to issue firefighter special plates if a person pays \$32,000 in implementation costs by December 31, 2015. Of the \$25 annual fee, \$8 is an administrative fee for deposit into the State Highway Fund and the remaining \$17 is an annual donation for deposit into a separate subaccount to be established as the Firefighter Special Plate Fund. Monies in the subaccount are to be used for a non-profit origination that will provide life saving for firefighters in this state.

The bill, as introduced will also allow the Arizona Department of Transportation (ADOT) to issue Arizona professional golf special plates if a person pays \$32,000 in implementation costs by December 31, 2015. Of the \$25 annual fee, \$8 is an administrative fee for deposit into the State Highway Fund and the remaining \$17 is an annual donation for deposit into a separate subaccount to be established as the Arizona Professional Golf Special Plate Fund. Monies in the subaccount are to be used for a non-profit origination that will develop and operate youth golf programs in this state.

AMENDING ARS: 28-2351, 28-2403; adding sections 28-2452, 28-2453; 28-6501, 28-6991 and 28-6993

**IMPACT ON ADOT: (Underline) Extremely Positive -- Positive -- Neutral
-- Negative -- Extremely Negative**

IMPLEMENTATION IMPACTS:

1) What does ADOT currently do?

When a new organizational special plate is approved by the Legislature and signed into law; once the organization meets the outlined criteria to begin issuing their new plates, MVD must use at least 3 keys per plate. A key is basically an IT accounting mechanism to track and assign the appropriate fee for each potential variation of the special plate. The following are the typical three keys for each special license plate:

Key # 1 for the special license plate only

Key # 2 for special license plate plus permanently disabled symbol

Key # 3 for personalized special license plate (e.g. ASU Plate "Sparky 1")

If the legislation allows for the special plate to be displayed on a motorcycle plate than MVD will need to reserve or assign a fourth key to capture this unique variation of the organizational plate.

Presently, ADOT has 57 plate keys available or capacity for 19 plates based on legislation requiring 3 keys per plate.

ADOT estimates that it would cost \$250,000 to expand the number of new organization special license plates beyond current capacity.

This count does not include The Don't Tread on Me special plate, which is the only special plate that has been signed into law but not completed the implementation requirements.

2) Are there any potential conflicts with current Federal or State law? (If yes, please provide citation and example.)

3) Are there any issues that would prevent implementation? (Please explain.) There are a limited number of plate keys available. See above.

4) What do other states do?

5) Comments?

FISCAL IMPACT (HURF, SHF, Personnel, Etc):
Agency/Division:

State:
Others:

PROGRAMMING IMPACT:

Assumptions:

System Changes:

The programming tasks involved in the implementation of a special plate are:

- Research, analyze and select a range of standard and disability plate numbers that are not currently in use and will be sufficient for the requested plate type.
- Create a format to allow the new plate to be utilized as a personalized plate.
- Vehicle types that are eligible for this particular plate must be identified to the system.
- Prohibitive codes that would prevent this plate from being issued to a specific vehicle type must be identified to the system.
- Create a General Ledger Account specific to this plate.
- Add the fee and other information to the fee distribution process.
- Add programming to allow renewal via EZRenewal.
- Program existing batch reports to receive and display the new fee.
- Complete unit, system and user acceptance testing.
- Move all applicable programs to production.
- Execute production certification.

Cost Estimate: \$32,000 which includes the initial cost for plate production

POTENTIAL SUPPORTING STAKEHOLDERS:

1)

POTENTIAL OPPOSING STAKEHOLDERS:

2)

RECOMMENDED ADOT POSITION: (Underline) Support -- Oppose --

Amend -- Neutral

Explanation:

H2524: FIREFIGHTERS; PROFESSIONAL GOLF; SPECIAL PLATES 2/23 referred to Senate trans.

H2526: GOVERNOR'S REGULATORY REVIEW COUNCIL; MEMBERSHIP

The Governor is required to appoint at least one member who is a small business owner to the Governor's Regulator Review Council . AS PASSED HOUSE.

First sponsor: Rep. Petersen

H2526: GOVERNOR'S REGULATORY REVIEW COUNCIL; MEMBERSHIP 3/4 referred to Senate gov.

H2528: VEHICLE RIGHT-OF-WAY; BUSES

Local authorities are authorized to require a vehicle on a street or highway in a county with a population of less than 900,000 people to yield the right-of-way to a bus that is entering the street or highway from a bus pull-out lane if the authority also requires that there be a visible warning device indicating the bus driver's intent to enter the street or highway and that the bus and bus pull-out lane display signs stating that vehicles must yield.

First sponsor: Rep. Thorpe

H2528: VEHICLE RIGHT-OF-WAY; BUSES 2/25 passed House 48-9; ready for Senate.

H2541: TECH CORRECTION; PRESENTATION OF CLAIM

Minor change in Title 11 (Counties) related to presentation of claim. Apparent striker bus.

First sponsor: Rep. Finchem

H2541: TECH CORRECTION; PRESENTATION OF CLAIM 2/16 House energy-env held.

H2544: SPECIAL LICENSE PLATES; DISCONTINUATION; REISSUE

Effective January 1, 2017, the Department of Transportation is prohibited from issuing a special license plate if the Dept receives less than an unspecified number (blank in original) of requests for the special plate in the prior fiscal year. Specified special license plates are exempt. A person who is issued a special plate before January 1, 2017 may continue to renew that special plate.

First sponsor: Rep. Larkin

H2556: HEALTHCARE QUALITY ASSURANCE (~~DUI; ORAL FLUID SWAB TEST~~)

State health care providers, hospitals and outpatient surgical centers and other health care entities are authorized to conduct quality assurance activities and to share quality assurance information with appropriate state licensing or certifying agencies and with licensed health care providers who are the subject of quality assurance activities. Regulations on the confidentiality of quality assurance information are modified, including specifying that sharing information about quality assurance activities as permitted by this legislation does not waive or otherwise impair the confidentiality of the information, and that information that is otherwise discoverable does not become confidential based solely on its submission to or consideration by a health care entity conducting confidential quality assurance activities. AS PASSED HOUSE.

First sponsor: Rep. Cobb

H2556: HEALTHCARE QUALITY ASSURANCE 2/24 referred to Senate hel-hu ser.

H2564: PHOTO RADAR; LAW ENFORCEMENT OPERATION

A violation of traffic signal or speed restriction regulations that is detected by a photo enforcement system may result in a traffic ticket and complaint only if the system is manned, operated and monitored by a uniformed law enforcement officer who is a member in good standing of a local law enforcement agency in the municipality or county where the system is located.

First sponsor: Rep. Thorpe

H2564: PHOTO RADAR; LAW ENFORCEMENT OPERATION 2/17 House trans-inf held.

H2566: STATE COMPUTERS; SENSITIVE ELECTRONIC DATA

Beginning July 1, 2016, the Government Information Technology Agency (GITA) must require budget units to establish a robust password system for every state owned or leased computer. By July 1, 2018, GITA is required to establish a data encryption standard for all budget units to protect

sensitive electronic data (defined), and budget units are required to encrypt sensitive electronic data.

First sponsor: Rep. Thorpe

H2566: STATE COMPUTERS; SENSITIVE ELECTRONIC DATA 3/4 from Senate gov do pass.

H2572: COUNTY ROADS; REPAIRS; DAMAGE REIMBURSEMENT

Counties are required to use at least 80 percent of monies received from the Highway User Revenue Fund (HURF) for road construction, reconstruction, maintenance, repair or roadside development, including materials and labor, and no more than 20 percent may be used for associated administrative costs. Beginning January 1, 2018, counties are required to reimburse a person for damage caused to the person's vehicle by the county's failure to maintain a roadway from HURF monies. Requirements for an application for reimbursement are specified.

First sponsor: Rep. Finchem

H2572: COUNTY ROADS; REPAIRS; DAMAGE REIMBURSEMENT 2/2 referred to House county-muni, appro.

H2583: MOTOR FUEL TAXES; FOREST PRODUCTS

Vendors are prohibited from collecting more than the statutorily imposed use fuel tax (currently nine cents per gallon) from a person who purchases use fuel for use in a motor vehicle transporting forest products in compliance with healthy forest enterprise incentive regulations, including a motor vehicle of a subcontractor of a business that qualifies for the incentives. The list of exemptions from the retail classification of transaction privilege and use taxes is expanded to include sales of motor vehicle fuel and use fuel to a subcontractor of a business that qualifies for the incentives.

First sponsor: Rep. Campbell

H2583: MOTOR FUEL TAXES; FOREST PRODUCTS 2/5 referred to House ways-means.

H2585: SECONDARY MOTOR VEHICLE FINANCE TRANSACTIONS

A person is prohibited from entering into a secondary motor vehicle finance transaction for a motor vehicle that is encumbered or subject to any lien. A person is prohibited from taking additional security or guaranty as a condition to entering into a secondary motor vehicle finance transaction. Any transaction in violation is void as to principal and all charges, and an act or practice in violation is an unlawful practice and is subject to enforcement and penalties under consumer fraud regulations. Secondary motor vehicle finance transactions are subject to a maximum finance charge of 36 percent a year, and the previous tiered maximum finance rates based on the original principal amount are deleted.

First sponsor: Rep. McCune Davis

H2585: SECONDARY MOTOR VEHICLE FINANCE TRANSACTIONS 2/10 referred to House bank-fin.

H2586: INTERSECTION; DEFINITION

For the purposes of traffic and vehicle regulation, the definition of "intersection" includes the area within a crosswalk or beyond a designated stop line, and does not include the junction of an alley or driveway with a roadway unless controlled by a traffic control device.

First sponsor: Rep. Finchem

H2586: INTERSECTION; DEFINITION 2/4 referred to House trans-inf.

H2587: STATE AGENCIES; CREDIT CARDS

By January 1, 2017, the State Treasurer is required to issue a request for proposals for the electronic

processing of transactions for all state agencies that accept credit cards for payment. The State Treasurer is required to award a contract to one or more separate entities. On expiration of any outstanding contract for the electronic processing of transactions, a state agency cannot enter into a contract or renew any contract for the electronic processing of transactions. On a majority vote of the governing body, a municipality, county or community college is authorized to accept credit cards for the payment of any amount due to the local government. A local government that accepts credit cards is authorized to enter into an agreement with one or more financial institutions or other service providers for processing of credit cards, and is authorized to charge a convenience fee or surcharge on the cardholder in an amount to wholly or partially offset, but not exceed, the amount of any processing fee incurred by the local government. AS PASSED HOUSE.

First sponsor: Rep. Finchem

H2587: STATE AGENCIES; CREDIT CARDS 3/3 referred to Senate gov.

H2590: TPT REFORM; CONTRACTORS

Establishes provisions for determining the tax liability of a person that is either a prime contractor or a subcontractor working under the control of a prime contractor that purchases tangible personal property that was excluded from the tax base under the retail classification of transaction privilege tax (TPT) or use tax at the time of purchase and that incorporates or fabricates the property into a specified project. The amount is calculated and reported based on the location of the project, and is equal to any tax that the seller would have been required to pay under the retail classification of transaction privilege taxes. Specified types of improvements and contracts are subject to or exempt from prime contracting transaction privilege taxes. Establishes deadlines and processes for reporting and payment of the taxes. The lists of exemptions from the retail classification of transaction privilege and use taxes are expanded to include sales of tangible personal property incorporated or fabricated into a project located in an Indian Reservation for which the owner of the project is an "Indian Tribe" or an "Affiliated Indian" (both defined). Counties and municipalities are prohibited from requiring an applicant for a building permit to hold a TPT license or business license as a condition for issuing the building permit. The applicant's current TPT license number is removed from the list of information that an applicant for licensure as a contractor must submit to the Registrar of Contractors. More. Emergency clause.

First sponsor: Rep. Fann

H2590: TPT REFORM; CONTRACTORS 2/19 see S1446.

H2607: MOTORCYCLE RIDERS; HELMETS; FEES

All operators and passengers of motorcycles, all-terrain vehicles and motor driven cycles are required to wear a protective helmet at all times, instead of only those operators and passengers who are under 18 years of age. An operator or passenger who is at least 18 years of age may be exempted from the helmet requirement if the owner pays a fee in an amount determined by the Director of the Department of Transportation when registering the vehicle. Fees collected are deposited in the Highway User Revenue Fund (HURF). Violations of the helmet requirement are subject to secondary enforcement and are subject to a civil penalty of \$500. Of the civil penalty, \$200 is deposited in HURF and \$300 is deposited in the Spinal and Head Injuries Trust Fund.

First sponsor: Rep. Friesse

H2609: RECIPROCAL DRIVER LICENSE AGREEMENTS (~~LICENSE PLATES; TRAILERS; ISSUANCE~~)

The Department of Transportation is permitted to waive the requirements for a written examination and the driving examination for an operator of a motor vehicle holding a valid driver license issued by a foreign country in which the operator previously resided and who applies for an initial driver license in Arizona if a list of specified conditions are met. The Dept is required to publish on its public internet site a current list of foreign countries for which reciprocal operating privileges have been extended and withdrawn. Does not apply to commercial driver licensing. AS PASSED HOUSE.

First sponsor: Rep. Gray

H2609: RECIPROCAL DRIVER LICENSE AGREEMENTS 3/3 referred to Senate trans.

H2610: COMMUNITY COLLEGE COLLEGIATE SPECIAL PLATES

The Department of Transportation is required to issue collegiate special license plates that identify each community college. Of the \$25 annual fee, \$8 is an administrative fee and \$17 is a donation to the community college district where the community college is located for placement in the appropriate community college collegiate special plate fund. Each community college district is required to establish a separate community college collegiate special plate fund for each community college, and monies in the fund must be used for academic scholarships.

First sponsor: Rep. Olson

H2610: COMMUNITY COLLEGE COLLEGIATE SPECIAL PLATES 3/2 House COW approved with amend [#4336](#) and floor amend [#4605](#).

H2617: REGULATORY RELIEF TAX CREDIT

Establishes an individual and corporate income tax credit for "creditable expenses" due to "extra regulation" (both defined) of more than \$200 in the tax year incurred by a "small business" (defined as a sole proprietorship, partnership, limited liability partnership, limited liability company, S corporation or any other corporation with fewer than an unspecified number (blank in original) of full-time employees) after December 31, 2016. A claim for credit is in lieu of and constitutes a waiver of litigation or judicial remedies against the responsible regulating entity. The credit is capped at \$1,000 for a claimant, and the aggregate amount of credits is capped at \$500,000. If the amount of the credit exceeds taxes due, the unused amount may be carried forward as a credit against tax liability for up to five consecutive tax years. The amount of the credit constitutes a debit against the general fund appropriation to any state agency directly responsible for the regulation that resulted in the credit. Establishes a process for claiming the credit, including applying to the Governor's Regulatory Review Council for approval. Appropriates \$350,000 from the general fund in FY2016-17 to GRRC for implementation, including four full-time equivalent employees.

First sponsor: Rep. Mesnard

H2617: REGULATORY RELIEF TAX CREDIT 2/26 House COW approved with amend [#4337](#); amend 4264 was withdrawn.

H2623: STATE AGENCIES; BUDGET SUBMISSION

By September 1 of each year, each budget unit is required to submit to the Legislature a summary of all monies that were spent by or passed through the budget unit during the preceding fiscal year and an estimate of the monies projected to be spent or passed through for the current FY. The Legislature must reduce the appropriation of each budget unit who fails to submit the summary by at least ten percent of the preceding FY appropriation.

First sponsor: Rep. Olson

H2636: TECH CORRECTION; CLOSURE; UNDERGROUND STORAGE

Minor change in Title 49 (Environment) related to underground storage tanks. Apparent striker bus.

First sponsor: Rep. Bowers

H2636: TECH CORRECTION; CLOSURE; UNDERGROUND STORAGE 2/25 retained on House COW calendar.

H2646: RULEMAKING; APPROVAL OF GOVERNOR; FACTORS

An agency is prohibited from conducting any formal or informal rulemaking without the prior written approval of the Governor. When seeking approval to conduct rulemaking, an agency is required to specify one or more of a specified list of factors as justification for the rulemaking. For the purpose of these requirements, "agency" does not include the Corporation Commission, any agency that is headed by a single elected state official, and any agency whose administrative head is not appointed by the Governor. AS PASSED HOUSE.

First sponsor: Rep. Olson

H2646: RULEMAKING; APPROVAL OF GOVERNOR; FACTORS 3/4 passed House 36-24; ready for Senate. Referred to Senate gov.

H2647: INFORMATION TECHNOLOGY; TITLE 18

Establishes a new title in statute regulating information technology, and all current statutes governing information technology are transferred to the new title and renumbered. Establishes data encryption standards and data reference standards. The Secretary of State is required to establish and maintain an electronic database of all licenses issued by a state agency, department, board of commission that is electronically searchable by the public. The Secretary of State is authorized to develop an electronic filing system for campaign-related statements, designations and reports. More. Due to voter protection, this bill requires the affirmative vote of at least 3/4 of each house of the Legislature for passage.

First sponsor: Rep. Stevens

H2647: INFORMATION TECHNOLOGY; TITLE 18 3/2 retained on House COW calendar.

H2658: FEDERAL LANDS; TRANSFER; STUDY COMMITTEE

Establishes a 5-member Transfer of Federal Lands Study Committee to examine processes to transfer, manage and dispose of federal lands in Arizona. The Committee is required to report its findings and recommendations to the Governor and the Legislature by December 31, 2019 and self-repeals October 1, 2020. AS PASSED HOUSE.

First sponsor: Rep. Barton

H2658: FEDERAL LANDS; TRANSFER; STUDY COMMITTEE 3/4 referred to Senate fed-man-fiscal.

H2659: STUDY COMMITTEE; UNMANNED AERIAL VEHICLES

Establishes a 10-member Unmanned Aerial Vehicle Study Committee to study the beneficial uses of unmanned aerial vehicles in the agriculture industry and review actions taken by the federal government regarding the regulation of unmanned aerial vehicles for commercial use. The Committee is required to report its findings and recommendations to the Governor and the Legislature by September 1, 2016 and self-repeals January 1, 2017.

First sponsor: Rep. Barton

H2662: SPEED RESTRICTIONS; PENALTIES

If the speed at which the person is alleged to have driven or at which the court finds the person drove is 10 miles per hour or less over the maximum speed limit, the offense is designated as a waste of finite resources and is a civil traffic violation that is not considered for determining whether a driver license should be suspended or revoked, that cannot be considered as a moving traffic violation pur the purpose of establishing rates of motor vehicle insurance, and that has a civil penalty that cannot exceed \$15 plus surcharges established in statute. Does not apply to a school crossing, state highway work zone, speed zone or business or residential district.

First sponsor: Rep. Stevens

H2662: SPEED RESTRICTIONS; PENALTIES 3/4 referred to Senate trans.

HCM2003: URGING CONGRESS; INCREASE CUSTOMS PERSONNEL

The Legislature urges the U.S. Congress to increase and maintain staffing for Customs Field Office personnel at the ports of entry in Nogales, Douglas and San Luis, Arizona in order to speed the flow of goods and commerce. The Secretary of State is directed to transmit copies of this memorial to the

President of the U.S. Senate, the Speaker of the U.S. House and each member of Congress from Arizona.

First sponsor: Rep. Steele

HCM2003: URGING CONGRESS; INCREASE CUSTOMS PERSONNEL 3/4 passed House 60-0; ready for Senate.

HCM2005: FEDERAL LANDS; DEVOLUTION TO ARIZONA

The Legislature urges the U.S. government to immediately and not later than December 31, 2016 dispose of the public lands within Arizona's borders directly to the state, and urges the U.S. Congress to engage in good faith communication and consultation with the state regarding that disposal. The Secretary of State is directed to transmit copies of this memorial to the President of the U.S. Senate, the Speaker of the U.S. House, four other specified federal officials, and each member of Congress from Arizona.

First sponsor: Rep. Barton

HCM2005: FEDERAL LANDS; DEVOLUTION TO ARIZONA 2/26 House COW approved with amend #4379.

S1002: PRISONERS; COMP FOR LABOR PERFORMED

The maximum compensation that a prisoner may receive for labor performed as part of the Department of Corrections prison industries program is increased to \$1.50 per hour, from 50 cents, with some exceptions.

First sponsor: Sen. Kavanagh

S1002: PRISONERS; COMP FOR LABOR PERFORMED 2/26 from House mil-pub do pass.

S1013: EMPLOYMENT DISCRIMINATION; ENFORCEMENT; DAMAGES

Increases the statute of limitations on filing employment discrimination charges to 2 years from 1 year. Allows the recovering party in unlawful employment practice cases to recover punitive or compensatory damages if specified conditions are met.

First sponsor: Sen. Ableser

S1013: EMPLOYMENT DISCRIMINATION; ENFORCEMENT; DAMAGES 1/12 referred to Senate gov.

S1042: POLITICAL SIGNS; SIZE, DATE REGULATION

The maximum size of political signs is reduced to 16 square feet and no larger than four feet in any dimension, instead of 16 square feet for residential areas or 32 square feet in any other area. The time during which political signs are permitted is reduced so that it begins 45 days before the primary election, instead of 60 days before.

First sponsor: Sen. Pierce

S1042: POLITICAL SIGNS; SIZE, DATE REGULATION 1/13 referred to Senate gov.

S1051: AUTOCYCLES; CLASS M LICENSE; EXEMPTION

A class M driver license is not necessary for operating an "autocycle" (defined as a three-wheeled motorcycle with a completely enclosed seating area equipped with a roll cage, safety belts and antilock brakes and designed to be controlled with a steering wheel and pedals).

First sponsor: Sen. Burges

S1051: AUTOCYCLES; CLASS M LICENSE; EXEMPTION 3/3 from House trans-inf do pass.

S1063: OBSTRUCTING A HIGHWAY; PUBLIC THOROUGHFARE

Intentionally activating a pedestrian signal on a highway or public thoroughfare if the person's reason for doing so is not to cross but to stop the passage of traffic and solicit a driver for a donation or business is added to the acts constituting crime of obstructing a highway, a class 3 (mid-level) misdemeanor. AS PASSED SENATE.

First sponsor: Sen. Kavanagh

S1063: OBSTRUCTING A HIGHWAY; PUBLIC THOROUGHFARE 2/26 referred to House jud, gov-higher ed.

S1073: PUBLIC RECORDS; REDACTION; FORMER JUDGES

Former judges are added to the list of persons who may file an affidavit to request county officers and the Department of Transportation prohibit access to that person's residential address and telephone number contained in certain public records, and who must be notified of the expiration of restrictions on related public records. Emergency clause.

First sponsor: Sen. Smith

S1073: PUBLIC RECORDS; REDACTION; FORMER JUDGES 3/5 from House gov-higher ed do pass.

S1078: OFFICE OF PEST MANAGEMENT

Various changes related to pest management, including specifying that a termite action report is required for termite action only and not for all wood-destroying organisms. AS PASSED SENATE.

First sponsor: Sen. Griffin

S1078: OFFICE OF PEST MANAGEMENT 2/26 from House agri-water-land do pass.

S1089: VLT; MOTOR HOMES

For the purpose of determining the vehicle license tax, the value of a motor home cannot exceed \$100,000.

First sponsor: Sen. Kavanagh

S1089: VLT; MOTOR HOMES 1/21 referred to Senate fin, trans.

S1090: NEUTRALITY AGREEMENT; APPRENTICESHIP AGREEMENT; PROHIBITION

State agencies and political subdivisions are prohibited from requiring contractors to do any of the following as a condition of bidding, negotiating, being awarded or performing work on a public works contract: negotiating or otherwise becoming a party to any project labor agreement, entering into a neutrality agreement with any labor organization, or participating in or contributing to an apprenticeship program registered with the U.S. Department of Labor.

First sponsor: Sen. Kavanagh

S1090: NEUTRALITY AGREEMENT; APPRENTICESHIP AGREEMENT; PROHIBITION 3/3 from House gov-higher ed do pass.

S1102: TEXT MESSAGING WHILE DRIVING; PROHIBITION

It is a nonmoving civil traffic violation to use a wireless communication device to send or receive a written message while operating a motor vehicle. Some exceptions. Violations are subject to a civil penalty of \$100 for a first violation and \$300 for a second or subsequent violation. If a person in

violation is involved in a motor vehicle accident, the person is subject to a civil penalty of \$500, except that if the accident results in the death of another person, the civil penalty is \$10,000.

First sponsor: Sen. Farley

S1102: TEXT MESSAGING WHILE DRIVING; PROHIBITION 2/5 from Senate gov with amend [#4068](#).

S1106: SPECIAL LICENSE PLATES; STANDARD DESIGN

All special license plates must have a standard design with one three-inch square area on the plate that is set aside for a logo or message and one area on the bottom of the plate that is set aside for a message. The Department of Transportation is required to determine the standard design of the special plate and approve the logo or message. Applies to all special plates authorized after the effective date of this legislation. Contains a legislative intent section. AS PASSED SENATE.

First sponsor: Sen. Farley

S1106: SPECIAL LICENSE PLATES; STANDARD DESIGN 3/4 passed Senate [16-13](#); ready for House.

S1107: LICENSE PLATE COVERS; PROHIBITION

Unless authorized by the Department of Transportation, it is illegal to apply any covering or substance to a license plate or use an electronic device or film that obscures from any angle the numbers, characters, year validating tabs or name of the jurisdiction issuing a license plate.

First sponsor: Sen. Farley

S1107: LICENSE PLATE COVERS; PROHIBITION 1/22 referred to Senate trans, gov.

S1108: TASK FORCE; GAS TAX REPLACEMENT

Establishes a 24-member Highway User Fee Replacement Task Force to develop a design for revenue collection for the state's transportation system that will replace the motor fuel tax and use fuel tax. The Task Force is required to design pilot programs to be used to test alternative approaches by December 15, 2016. By October 1, 2017, the Department of Transportation is required to develop and implement pilot programs as directed by the Task Force to test alternatives to motor vehicle fuel taxes and use fuel taxes to pay for highway use. The Dept is authorized to use monies in the State Highway Fund to implement and support the Task Force and pilot programs. Effective September 1, 2015. Self-repeals October 1, 2025.

First sponsor: Sen. Farley

S1108: TASK FORCE; GAS TAX REPLACEMENT 1/22 referred to Senate trans, appro, fin.

S1109: LOTTERY; FUNDING; LTAF; RESTORATION

Establishes the Local Transportation Assistance Fund (LTAF) and requires the Legislature to appropriate an amount necessary to provide that the total monies available in LTAF for each fiscal year (FY) equal \$20.5 million. The State Treasurer is required to pay municipalities a maximum of \$23 million each FY from the available monies in LTAF in proportion to the population of each municipality, except that each municipality is entitled to receive at least \$10,000. The State Treasurer is also required to distribute up to \$18 million each FY to counties. Establishes the County Assistance Fund and specifies distributions from the Fund. Establishes the State Parks Board Heritage Fund, and requires the Heritage Fund to be administered by the State Parks Board for specified purposes. State Lottery Fund (SLF) monies must be used to reimburse the general fund for payment to LTAF of \$18 million each FY. Of the monies remaining in the SLF, up to a maximum of \$23 million each FY must be deposited in the general fund to be used to offset reimbursements to LTAF and up to a maximum of \$7.65 million each FY must be deposited in the general fund to be used to offset reimbursements to the County Assistance Fund. Of the monies remaining in SLF, \$10 million must be deposited in the Heritage Fund. Monies equivalent to the amount of SLF monies specified must be transferred from the general fund to the other funds specified at the beginning of each FY. More.

First sponsor: Sen. Farley

S1109: LOTTERY; FUNDING; LTAF; RESTORATION 1/22 referred to Senate trans, appro.

S1111: TOWING; MOTOR VEHICLES

Establishes regulations for private property trespass towers (defined). Beginning July 1, 2016, the Department of Transportation is required to set rate caps for towing, storage and other services provided by towers. Establishes requirements for records of towed vehicles, notification of law enforcement, insurance coverage, posting of towing and storage rates and charges, and the release of towed or impounded vehicles. Also includes unlawful practices and civil and criminal penalties for violations. These regulations self-repeal on July 1, 2025. Fees collected by the Dept for processing abandoned vehicle reports are no longer capped at \$10 and must be used to pay for enforcement of these regulations.

First sponsor: Sen. Ableser

S1111: TOWING; MOTOR VEHICLES 1/22 referred to Senate trans, com-work dev.

S1114: PHOENIX AIRPORT; STUDY COMMITTEE

Establishes a Phoenix Sky Harbor International Airport Study Committee consisting of four legislators and three public members to study the future of the airport and report to the Governor and the Legislature by November 1, 2017. Self-repeals on October 1, 2018.

First sponsor: Sen. Ableser

S1114: PHOENIX AIRPORT; STUDY COMMITTEE 1/22 referred to Senate gov, trans.

S1118: TECH CORRECTION; EMERGENCY INTERCEPTION

Minor change in Title 13 (Criminal Code) related to emergency interception. Apparent striker bus.

First sponsor: Sen. Ward

S1118: TECH CORRECTION; EMERGENCY INTERCEPTION 2/24 from Senate rules with a technical amendment.

S1119: ASRS; PURCHASE OF CREDITED SERVICE (~~TECH CORRECTION; DISTRIBUTION OF REVENUES~~)

The 60-month limit on purchasing credited service in the Arizona State Retirement System for previous employment with other governmental entities or for active military service applies only to members whose membership date is on or after July 20, 2011, and the limit is deleted for all other ASRS members. The requirement for ASRS members to have at least five years of credited service in ASRS before electing to purchase credited service applies only to members whose membership date is on or after July 1, 2010. AS PASSED SENATE.

First sponsor: Sen. Lesko

S1119: ASRS; PURCHASE OF CREDITED SERVICE 3/5 from House gov-higher ed do pass.

S1133: TPT; MUNICIPALITIES; CUSTOMER REFUND CLAIMS

A customer who paid to a "vendor" (defined) an amount equal to a transaction privilege tax that was passed on by the vendor to the customer or who paid a use tax to a vendor is permitted to file a claim for a refund of the tax if the vendor assigns to the customer its right to claim an amount equal to any tax and interest that the vendor could otherwise claim. The process for customers to file claims under these provisions is specified. If a vendor fails or refuses to assign its right to a claim within 60 days of the customer's written request or if the vendor is no longer in business, the customer may provide the Department of Revenue or municipal tax collector with a statement explaining the efforts made to obtain

an assignment from the vendor, which must contain specified information. The Dept or tax collector must attempt to notify the vendor of the claim and continue processing the claim. On paying or crediting monies to the customer pursuant to the claim, the Dept or tax collector must amend the vendor's returns or account to reflect the amount paid or credited. The Dept or tax collector may disallow a claim filed by a customer if the Dept already paid or credited a refund arising from the same transaction. The Dept or tax collector is required to notify the customer and the vendor of any disallowed claim.

First sponsor: Sen. Lesko

S1133: TPT; MUNICIPALITIES; CUSTOMER REFUND CLAIMS 3/3 passed Senate 20-10; ready for House.

S1143: TECH CORRECTION; PUBLICATION OF NOTICE

Minor change in Title 39 (Public Records) related to publication of notice. Apparent striker bus.

First sponsor: Sen. Worsley

S1143: TECH CORRECTION; PUBLICATION OF NOTICE 1/22 referred to Senate rules only.

S1146: PERSONALIZED CLASSIC CAR LICENSE PLATES

The Department of Transportation may allow a request for classic car special license plates to be combined with a request for personalized special plates.

First sponsor: Sen. Griffin

S1146: PERSONALIZED CLASSIC CAR LICENSE PLATES 3/3 from House trans-inf do pass.

S1160: COUNTY MOTOR VEHICLE FUEL TAXES

Counties are authorized to levy by ordinance a tax on wholesale motor vehicle fuel and wholesale use fuel sold in the county of up to 3 percent of the total sale of motor vehicle fuel or use fuel. By June 15 of each fiscal year, the Department of Transportation is required to transfer monies deposited in the Highway User Revenue Fund as a result of county-imposed fuel tax to the county in which the tax was collected.

First sponsor: Sen. Farley

S1160: COUNTY MOTOR VEHICLE FUEL TAXES 1/26 referred to Senate trans, fin.

S1161: VEHICLE AND USE FUEL TAXES

In addition to the motor vehicle fuel tax, imposes a tax of an unspecified amount per gallon (blank in original) on motor vehicle fuel possessed, used or consumed in Arizona when the price of unleaded motor vehicle fuel in Arizona averages less than an unspecified amount per gallon (blank in original). In addition to the use fuel tax, imposes a tax of an unspecified amount per gallon (blank in original) on use fuel used in the propulsion of a motor vehicle on a highway in Arizona when the price of use fuel in Arizona averages less than an unspecified amount per gallon (blank in original). The Department of Weights and Measures is required to establish by rule procedures for determining the average price of unleaded motor vehicle fuel and use fuel per gallon in Arizona, and procedures for stopping and restarting the collection of the tax based on the average fuel prices. Revenues from these taxes are deposited in the general fund. Due to a potential increase in state revenue, this bill requires the affirmative vote of at least 2/3 of each house of the Legislature for passage.

First sponsor: Sen. Bradley

S1161: VEHICLE AND USE FUEL TAXES 1/26 referred to Senate fin, trans, appro.

S1167: PHOTO RADAR; PROHIBITION

State agencies and local authorities are prohibited from using a photo enforcement system to identify violators of traffic control devices and speed regulations. Statutes authorizing and regulating photo enforcement are repealed.

First sponsor: Sen. Ward

S1167: PHOTO RADAR; PROHIBITION 2/23 Senate COW FAILED to approve. Roll call: 13-15.

S1168: MOTOR VEHICLE FRANCHISES; MOTORCYCLE DEALERS

A motor vehicle franchisor is not required to send notice to other franchises if a proposed new motor vehicle dealership is a motorcycle dealer.

First sponsor: Sen. Ward

S1168: MOTOR VEHICLE FRANCHISES; MOTORCYCLE DEALERS 1/26 referred to Senate gov, com-work dev.

S1170: FORFEITURES; QUARTERLY REPORT (~~FORFEITURES; ANNUAL REPORT~~)

The quarterly report that state agencies are required to submit due to receiving monies from the Anti-Racketeering Revolving Fund or from other government sources as a result of participating in an investigation or prosecution must be filed with the county board of supervisors if the county sheriff received the monies and with the municipal council if the municipality's department received the monies. The quarterly report that political subdivisions are required to submit due to receiving monies from the Fund or from other government sources as a result of participating in an investigation or prosecution must be filed with the county board of supervisors of the county in which the political subdivision is located and with each municipal council in which the political subdivision is located. Also, each county is required to maintain on the county's website a link to the Arizona Criminal Justice Commission. AS PASSED SENATE.

First sponsor: Sen. S. Allen

S1170: FORFEITURES; QUARTERLY REPORT 3/3 from House county-muni do pass.

S1180: TRAFFIC ACCIDENTS; REPORTS; DAMAGE AMOUNT

A law enforcement officer or public employee who investigates a motor vehicle accident is required to complete a full written report if the accident results in property damage in excess of \$5,000, increased from \$1,000.

First sponsor: Sen. Smith

S1180: TRAFFIC ACCIDENTS; REPORTS; DAMAGE AMOUNT 2/4 from Senate pub-mil-tech do pass.

S1181: VEHICLE INSPECTIONS; ADOT

The Director of the Department of Transportation is authorized to establish an additional vehicle inspection fee in an amount to be determined by the Director by rule for a level two or level three inspection that is conducted at a location other than at a Dept facility for an insurance company or its authorized agent. The Dept is permitted to issue a restored salvage certificate of title for a vehicle that is a recovered theft and has other specified deficiencies if the Dept has completed a level two or level three inspection, instead of only a level three inspection. AS PASSED SENATE.

First sponsor: Sen. Worsley

S1181: VEHICLE INSPECTIONS; ADOT 3/3 passed Senate 30-0; ready for House.

S1197: VLT EXEMPTION; FALLEN EMERGENCY PERSONNEL

Beginning January 1, 2016, one vehicle owned by a surviving spouse or "dependent" (defined) of a

deceased law enforcement officer, firefighter or emergency responder who was killed in the line of duty or died from injuries suffered in the line of duty on or after April 5, 1933 is exempt from vehicle license tax and registration fees. AS PASSED SENATE.

First sponsor: Sen. Kavanagh

General Comments (all lists):

BILL #: SB1197

TITLE: VLT exemption; fallen emergency personnel

SPONSOR(S): Senator Kavanagh

DATE ASSIGNED: 1-26-15

DIVISION / PROGRAM(S) ASSIGNED: MVD

PREPARED BY: Ralene Whitmer

DATE SUBMITTED: 1-27-15

BILL SUMMARY: The bill provides a vehicle license tax and registration fee exemption for the surviving spouse or a surviving dependent of a law enforcement officer, firefighter or emergency responder who was killed in the line of duty.

AMENDING ARS: Adding A.R.S. 28-5803.01

IMPACT ON ADOT: (underline)

➤ **Extremely Positive -- Positive -- Neutral -- Negative -- Extremely Negative**

➤ **Implementation Efforts: None — Very Minor — Minor — Medium — Major**

IMPLEMENTATION IMPACTS:

1) **What does ADOT currently do?** Currently, MVD collects a vehicle license tax (VLT) and registration fees when a person wants to register their vehicle for operation on public roads. There are several exemptions for the VLT outlined in the AZ Constitution and statutes. Examples of some of the VLT exemptions are for 100% disabled veterans, tribal members, widow/widower, totally disabled persons, alternative fuel vehicles and military members.

2) **Are there any potential conflicts with current Federal or State law? (If yes, please provide citation and example.)**

3) **Are there any issues that would prevent implementation? (Please explain.)**

There are some questions that the bill does not address, such as:

- a) Who is considered an Emergency Responder? Is it the Mr. Smith that stops to help and ends up getting killed? Is it the sheriff's posse member who volunteers for search and rescue operations and gets killed? Or, is it the ADOT highway worker responding to an emergency and gets killed?
- b) Is the exemption valid for only one vehicle at a time **or** one vehicle in total and can never be applied to another vehicle the person owns?
- c) Can the surviving spouse and dependent(s) all claim the exemption at the same time or is it only valid for one family member at one time?
- d) ADOT needs the authority in statute to determine the manner and method for satisfactory proof that an individual qualifies for the VLT exemption.

4) What do other states do?

5) Comments? A.R.S. 28-5802 provides for the 100% disabled veteran VLT exemption and would be good a model to follow to help address some of the questions listed above.

Also, the bill provides an exemption for both the VLT and registration fee, but does not “notwithstanding” the registration statute, 28-2003.

FISCAL IMPACT (HURF, SHF, Personnel, Etc):

Agency/Division: There would be a loss of VLT and registration monies into the HURF and SHF.

State: The State General Fund would also lose VLT monies.

Others: Cities and counties would lose VLT and some HURF monies.

PROGRAMMING IMPACT:

Assumptions:

Create a process and programming to work the same as the SC52 exemption.

System Changes:

Based on the bill summary and assumption above programming would be minimal.

Cost Estimate: \$28,000

POTENTIAL SUPPORTING STAKEHOLDERS:

- 1) Families of law enforcement officers, firefighters and emergency responders

POTENTIAL OPPOSING STAKEHOLDERS:

- 2) Cities and counties because of the loss of transportation revenue.

RECOMMENDED ADOT POSITION: (Underline) **Support** -- **Oppose** -- **Amend** -- **Neutral**

Explanation:

S1197: VLT EXEMPTION; FALLEN EMERGENCY PERSONNEL 3/5 passed Senate 30-0; ready for House.

S1200: MINING & MINERAL MUSEUM; RESTORATION (TECH CORRECTION; MINING MUSEUM)

Responsibility to operate the Arizona Mining, Mineral and Natural Resources Educational Museum is transferred to the Arizona Geological Survey, from the Arizona Historical Society. The Centennial and Mining and Mineral Museum Advisory Council is renamed the Mining, Mineral and Natural Resources Educational Museum Advisory Council, and Council membership is modified, including to remove the Executive Director of the Society. All unexpended and unencumbered monies in the Centennial Special Plate Fund are transferred to the newly established Mining, Mineral and Natural Resources Educational Museum Account in the Geological Survey Fund. Transfers \$428,300 and one FTE position from the Society in FY2015-16 to the Geological Survey Fund to operate the Museum. In connection with the Museum, the State Geologist is authorized to apply for grants and donations, accept government monies for the museum, establish and collect entrance fees, operate a retail gift shop, employ a museum curator, and pay necessary museum operation and maintenance expenses. The State Geologist is required to report to the Governor and the Legislature on the Museum by December 31, 2018. AS PASSED SENATE.

First sponsor: Sen. Griffin

S1200: MINING & MINERAL MUSEUM; RESTORATION 3/4 passed Senate 20-9; ready for House.

S1224: VEHICLE EQUIPMENT; LIGHTING (~~MUNICIPALITIES; COUNTIES; PROHIBITED SECURITY REQUIREMENTS~~)

Municipalities and counties are prohibited from adopting an ordinance requiring a business to comply with specific security requirements. Does not include a bar or restaurant.

First sponsor: Sen. Kavanagh

S1224: VEHICLE EQUIPMENT; LIGHTING 3/6 passed Senate 24-4; ready for House.

S1227: DRIVER LICENSES; LEGAL PRESENCE REPEAL

The Department of Transportation is no longer prohibited from issuing or renewing a driver license for a person who does not submit proof that the applicant's presence in the U.S. is authorized under federal law.

First sponsor: Sen. Quezada

S1227: DRIVER LICENSES; LEGAL PRESENCE REPEAL 1/27 referred to Senate trans, gov.

S1237: ELECTRONIC DRIVER LICENSE; ADOT AUTHORITY

The Department of Transportation is required to develop, pilot or implement virtual or electronic credentials, records, procedures, processes and systems as the Director deems necessary to carry out the functions and duties of the Dept. If the Dept implements procedures for virtual or electronic driver licenses, a driver license holder may display the license on a wireless communication device at the demand of a justice of the peace or police officer.

First sponsor: Sen. Dial

S1237: ELECTRONIC DRIVER LICENSE; ADOT AUTHORITY 3/3 referred to House trans-inf, appro.

S1242: CREDIT CARD FEES; STATE ENTITIES

If a credit card issuer does business with a state entity that acts as a merchant, any fee that the issuer charges the state entity when the credit card is used must be the issuer's lowest fee. Violations are subject to a civil penalty equal to three times the fee that the issuer charged to the state entity.

First sponsor: Sen. Dial

S1242: CREDIT CARD FEES; STATE ENTITIES 1/28 referred to Senate fin ins.

S1273: DRIVER LICENSES; REAL ID ACT

If a driver license applicant requests a driver license that complies with the federal REAL ID Act of 2005, the Department of Transportation is required to issue the applicant a REAL ID-compliant license. A REAL ID-compliant driver license or nonoperating license must be valid for a period of eight years. A person applying for a REAL ID-compliant license is required to provide the Dept with two documents providing satisfactory proof of the applicant's permanent resident address. The fee for a REAL ID-compliant license is an amount determined by the Director of the Dept. AS PASSED SENATE.

First sponsor: Sen. Worsley

S1273: DRIVER LICENSES; REAL ID ACT 3/4 passed Senate 20-10; ready for House.

S1274: ADOT OMNIBUS

Various changes related to the Department of Transportation. The Director of the Dept is authorized to establish alternative methods and use contracted private persons for the administration and oversight of programs, functions or persons that are subject to Title 28 (Transportation), and to adopt rules to administer these methods and contracts. The Dept is authorized to establish a program to lease or sell advertising on nonhighway assets of the Dept and to allow monetary sponsorship of facilities and other assets of the Dept. The Dept is permitted to generate revenue from any advertising or sponsorship program and to contract with a third party to perform any or all aspects of the program. The list of transportation-related statutes that the State Transportation Board and the Director of the Dept are not exempt from is expanded, and the list of purposes for which they are exempt is modified. The list of reasons for which the Dept may issue a vehicle certificate of title without registration is expanded to include that the vehicle is a trailer or semitrailer that will be used in interstate commerce and that is registered in another state. Reduces the amount of time a temporary registration is valid to 60 days, from 90 days. Authority to appoint a special assistant for the regional transportation plan is transferred to the regional planning agency, from the Director of the Dept. AS PASSED SENATE.

First sponsor: Sen. Worsley

General Comments (all lists):

This bill is proposed by the Arizona Department of Transportation (ADOT) and addresses the following:

CDL Disqualification

Currently: Commercial Drive License (CDL) disqualification starts the date ADOT receives a report of conviction for things such as operating under the influence, violating out-of-service orders, or receiving multiple traffic violations.

Issues: In 2010, a Federal Motor Carrier Safety Administration (FMCSA) audit finding mentioned that Arizona law does not provide adequate time to notify a CDL holder of a receipt of conviction. However, recent guidance from FMCSA noted that a 10-day timeframe from receipt of conviction to the start of CDL disqualification allows adequate notice to the CDL holder. Non-compliance with federal regulations could result in federal-aid highway funds being withheld or having Arizona's CDL program decertified.

Solution: Revise Arizona law to state that the beginning date for CDL disqualification is 10 days after a receipt of conviction.

Citizens Transportation Oversight Committee

Currently: Laws 2004, Chapter 2 authorized the election for a 20-year extension of a half-cent sales tax for transportation – known as Proposition 400 (Prop. 400) – and was approved by Maricopa County voters in 2004. As part of Prop. 400, the Citizens Transportation Oversight Committee (CTOC) was created to facilitate citizen involvement in the decision-making process, with ADOT tasked with providing administrative support.

Issues: To ensure projects are progressing as planned and all involved parties are meeting obligations, Prop. 400 requires a third-party entity to conduct four separate five-year audits of the 20-year Maricopa County Regional Transportation Plan. Accordingly, the first of these audits was released in December 2011 and suggested that CTOC management would be more appropriate by the Maricopa Association of Governments (MAG) as opposed to ADOT.

Solution: Streamline management of CTOC by transitioning administration from ADOT to MAG.

Electronic Submission

Currently: Repossession affidavits are submitted both manually and electronically by financial institutions, licensed vehicle dealers, and individuals in a form prescribed by ADOT.

Issues: Under a manual process, fraud is more likely to occur by illegally removing lienholder information from a record on a repossession affidavit.

Solution: Require electronic submittal of repossession affidavits to ADOT.

Procurement

Currently: ADOT follows project bidding requirements in Title 28 of the Arizona Revised Statutes (A.R.S.) and the guidelines contained in ADOT's Standard Specifications for Road and Bridge Construction.

Issues: Since ADOT follows its own procurement process, it is largely exempt from the state procurement process in Title 41 of A.R.S. Under guidance by the Attorney General's Office, though, ADOT's exemption does not include routine maintenance of highway infrastructure such as bridge inspections. However, forcing ADOT to use two different procurement processes creates confusion, inconsistency, and unnecessary and burdensome regulations for both ADOT and private industry bidders. This increases expenses and is also inconsistent with the 2013 Stewardship and Oversight Agreement between ADOT and the Federal Highway Administration for federal-aid highway projects.

Solution: Clarify ADOT's exemption from the state procurement code for rehabilitation, preservation, and improvement projects on highway infrastructure.

Temporary Proportional Registrations

Currently: The International Registration Plan (IRP) is an agreement between all 48 contiguous states and 10 provinces of Canada for registering interstate carriers that travel in two or more member jurisdictions. Under the IRP, interstate carriers file an application with the jurisdiction in which they are based and the state issues a registration credential for each vehicle. The fees that get collected are distributed to states each year based on distance traveled, gross vehicle weight, and other vehicle identification information.

Issues: Arizona law allows a Temporary Proportional Registration (TPR) to be valid for 90 days. However, this is in conflict with the IRP, which only allows a TPR to be valid for 60 days. During a 2013 Peer Review Audit, it was discovered that Arizona was out of compliance. ADOT appeared before the Dispute Resolution Committee in May 2014, where the finding was confirmed and a request made to be in compliance by July 1, 2015. Failure to correct this finding could put Arizona in a position to lose voting privileges on issues that impact interstate carrier registration and potentially result in membership cancellation.

Solution: Align Arizona law with national IRP audit findings.

Title Only Transactions

Currently: Several years ago the IRP was amended by member states to allow "title only" for trailers and semi-trailers purchased in a member state, but registered in another.

Issues: When the IRP was amended, it created confusion in terms of Arizona's "title only" statute regarding trailers and semi-trailers purchased in Arizona, but registered in another member state where motor carriers base their fleets.

SOLUTION. Clarify that interstate carriers that base their vehicles in another state under IRP are eligible for “title only” transactions for trailers and semi-trailers that are used in interstate commerce and registered in another state.

S1274: ADOT OMNIBUS 2/24 passed Senate 30-0; ready for House.

S1277: TEXTING WHILE DRIVING; TRANSPORTATION VEHICLES

A person is prohibited from using a handheld wireless communication device to make or receive a telephone call, engage in a telephone conversation or manually write, send or read a written message while operating a vehicle for public transit, a livery vehicle, taxi, limousine or a bus. Does not apply to dialing 911.

First sponsor: Sen. McGuire

S1277: TEXTING WHILE DRIVING; TRANSPORTATION VEHICLES 1/29 referred to Senate trans, jud, gov.

S1278: SEAT BELTS; SCHOOL BUSES

Beginning January 1, 2016, each school bus purchased in Arizona must be equipped with lap belts.

First sponsor: Sen. McGuire

S1278: SEAT BELTS; SCHOOL BUSES 1/29 referred to Senate trans, educ.

S1300: LAW ENFORCEMENT OFFICERS; BODY CAMERAS

Law enforcement agencies are authorized to employ a law enforcement officer body camera that operates on a continuous basis or that is manually turned on or off by the officer. If a body camera is continuously on, an officer is permitted to turn the camera off during specified “nonrecordable incidents” (defined) or during specified “recordable incidents” (defined) if the officer announces on the recording that the camera is being turned off. If a body camera does not operate continuously, an officer may activate the camera only during a recordable incident or any other situation when a person informs the officer that the person is going to submit a complaint against the officer or when all parties consent to the recording. Also establishes regulations for the viewing, erasing and release of law enforcement officer body camera recordings.

First sponsor: Sen. Kavanagh

S1300: LAW ENFORCEMENT OFFICERS; BODY CAMERAS 3/6 Senate COW approved with amend #4502, floor amend #4727 and the rules tech amendment; amend 4323 was withdrawn. Passed Senate 21-7; ready for House.

S1304: COMMUTER RAIL AUTHORITY; SPECIAL DISTRICT

Adds a new chapter to Title 48 (Special Taxing Districts) authorizing counties, municipalities and Indian tribes to enter into an agreement to establish a joint powers commuter rail authority governed by an appointed board of directors. On its formation, the joint powers commuter rail authority is a special purpose district, a tax levying public improvement district and a municipal corporation. Powers and financial provisions of an authority are specified, including authority to issue and sell commuter rail authority revenue bonds.

First sponsor: Sen. Farley

S1304: COMMUTER RAIL AUTHORITY; SPECIAL DISTRICT 2/2 referred to Senate trans, fin.

S1325: FIRST RESPONDER SPECIAL PLATES

The Department of Transportation is authorized to issue special first responder license plates if a person pays \$32,000 in start-up costs by December 31, 2015. Of the \$25 annual fee, \$8 is an administrative fee and \$17 is a donation to the newly established First Responder Special Plate Fund, to be allocated to a nonprofit organization that offers financial assistance and other support to families of public safety officers and firefighters who are seriously injured or killed in the line of duty.

First sponsor: Sen. Miranda

S1325: FIRST RESPONDER SPECIAL PLATES 3/4 from Senate rules okay. To Senate consent calendar.

S1330: SECOND AMENDMENT VIOLATIONS; PROHIBITED ACTIVITIES

All federal acts, laws, orders, rules and regulations that are in violation of the second amendment of the U.S. Constitution, that are unauthorized by the Constitution and that violate the second amendment's "true meaning and intent as given by the founders and ratifiers of the U.S. Constitution" are invalid and void in this state. State agencies, political subdivisions and their employees are prohibited from enforcing any federal act, law, rule or regulation that relates to a personal firearm, firearm accessory or ammunition within the limits of this state.

First sponsor: Sen. Ward

S1330: SECOND AMENDMENT VIOLATIONS; PROHIBITED ACTIVITIES 2/24 from Senate rules okay.

S1331: ELECTRONIC DATA; METADATA; PROHIBITED COLLECTION

State agencies, political subdivisions and their employees and contractors are prohibited from providing assistance to any federal agency or complying with any federal law that purports to authorize the collection of electronic data or metadata of any person pursuant to any action that is not based on a warrant that "particularly describes" the person, place and thing to be searched or seized. The State Treasurer is prohibited from transferring any monies to a political subdivision in the fiscal year after a final judicial determination that the political subdivision adopted a rule or policy that intentionally violated this prohibition. An agent or employee in violation is deemed to have resigned and is forever after ineligible to hold any office of trust, honor or emolument under the laws of Arizona.

First sponsor: Sen. Ward

S1331: ELECTRONIC DATA; METADATA; PROHIBITED COLLECTION 2/10 from Senate fed-man-fiscal do pass.

S1339: PUBLIC RECORDS; UNDULY BURDENSOME REQUESTS

It is a defense to any action on denial of access to public records that the request for access is unduly burdensome or harassing. AS PASSED SENATE.

First sponsor: Sen. Shooter

S1339: PUBLIC RECORDS; UNDULY BURDENSOME REQUESTS 2/23 passed Senate 18-11; ready for House.

S1341: COUNTY TRANSPORTATION EXCISE TAX

Intergovernmental public transportation authorities are authorized to levy a transportation excise tax if approved by the voters in the same manner as regional transportation authorities. In counties where transportation excise taxes are levied by the intergovernmental public transportation authority, the net revenues collected are required to be deposited in the Public Transportation Authority Fund. Effective January 1, 2016.

First sponsor: Sen. Shooter

S1341: COUNTY TRANSPORTATION EXCISE TAX 2/18 from Senate trans do pass.

S1345: PRIVATE LAND ACQUISITION; STUDY COMMITTEE (~~GOVERNMENT PURCHASE OF PRIVATE PROPERTY~~)

Establishes a 7-member Study Committee on Private Land Acquisition to conduct hearings and collect information relating to the acquisition of privately owned real property by government entities, examine the impact the government ownership of real property has on the state and local economies, and identify a process to allow a government entity to acquire privately owned real property without reducing the tax base of the local community. The Committee is required to report its findings and recommendations to the Governor and the Legislature by December 31, 2017 and self-repeals October 1, 2018. AS PASSED SENATE.

First sponsor: Sen. Griffin

S1345: PRIVATE LAND ACQUISITION; STUDY COMMITTEE 3/4 passed Senate 21-8; ready for House.

S1369: SPEED LIMITS; LOCAL AUTHORITIES; SIGNAGE

On the request of an interested party, a local authority is permitted to determine the proper maximum speed and erect a speed limit sign for a street even if the street is not maintained by the local authority but is in the local authority's jurisdiction.

First sponsor: Sen. Griffin

General Comments (all lists):

BILL #: SB 1369
local authorities; signage

TITLE: speed limits;

SPONSOR(S): Senator Griffin

DATE ASSIGNED: 2/4/15

DIVISION / PROGRAM(S) ASSIGNED: ITD

PREPARED BY: Lisa Sinclair

DATE SUBMITTED: 2/6/15

BILL SUMMARY: This bill allows local jurisdictions to perform their own traffic studies, determine speed limits and post those speed limits on all roads within their boundaries.

AMENDING ARS: §28-703

IMPACT ON ADOT: (Underline) Extremely Positive -- Positive -- None
-- Negative -- Extremely Negative

IMPLEMENTATION IMPACTS:

1) **What does ADOT currently do?** ADOT maintains a master speed zoning file with speed limits for each state highway. ADOT revises speed zoning as needed based on engineering analysis. When a speed zone change is made in or near a municipality, ADOT typically consults and coordinates with the local agency, but makes the final decision. ADOT also consults as needed with DPS and other agencies tasked with enforcing speed limits.

2) Are there any potential conflicts with current Federal or State law? (If yes, please provide citation and example.) According to ARS §28-702 the ADOT Director has the final authority over state highway speed limits. The proposed change would seem to directly conflict with this authority. ARS §28-642.B prohibits the installation of traffic control devices on state highways by local authorities without ADOT's permission. The proposed change would also seem to be in direct conflict with this statute. 23 CFR 655.603 and ARS §28-642.A requires all traffic control devices on state highways to conform to the MUTCD, but there seems to be no compliance mechanism in the bill.

3) Are there any issues that would prevent implementation? (Please explain.) This bill would seem to allow any municipality to perform their own study and install their own speed limit signs on any roadway within their boundaries - even state highways or freeways under ADOT jurisdiction. Based on our experience and observation, the likely effects would include:

- ADOT wouldn't be in control of one of their more-important oversight duties (determining appropriate speed zoning through engineering study) to outside agencies, with no mechanism for accountability.
- ADOT-maintained speed regulations would be rendered, as there is no requirement for coordination, consultation, or concurrence from the owner of the roadway, or notification of any speed zoning changes.
- Municipal staff may remove and confiscate state property (speed signs) and install unpermitted objects (their own speed signs) at will.
- There is no requirement for the local agency to share, publish, or divulge their speed study or methodology, leaving a significant gap in documentation that could have severe risk management impacts.
- If a claim is filed where the posted speed is a significant factor, the state could be placed in a position of exposure over a decision or action completely out of their control (no requirement for indemnification or concurrence).
- There is no specific requirement that the signs installed by local agencies meet MUTCD or ADOT requirements or guidelines on size, color, location, height, materials, or crashworthiness. ARS §28-641 et seq. seems to require MUTCD compliance, but if ADOT were to remove a sign installed by a local agency due to noncompliance, the local agency could then claim a violation of this law in response.

4) What do other states do? Unknown, we could inquire through the

AASHTO Subcommittee.

5) Comments? The actual text of the bill directs local agencies to change speeds "on the request of an interested party", which could be anyone - a citizens' group, a politician, a single person, or even a company that gains revenue from speed enforcement. This provision also directly violates the standard requirement for an engineering study in Section 2B.13 paragraph 01 of the MUTCD and in ARS §28-702.A.

One of the most basic (yet counterintuitive) rules in traffic engineering is that speed limit signs actually have very little effect on travel speed. See <http://azdot.gov/business/engineering-and-construction/traffic/faq>. This bill seems drafted under the assumption that changing posted speeds will meaningfully change travel speeds, which could leave its authors and supporters disappointed when the signs don't have the desired result - or worse, blaming ADOT for its ineffectiveness.

FISCAL IMPACT (HURF, SHF, Personnel, Etc):

Agency/Division: Significant, since newly-obligated staff man-hours would be required to react to locally-installed signs, speed studies, attempts at communication/coordination, and responses to public and risk management requests. Also, could increase exposure to claims and litigation.

State:

Others:

PROGRAMMING IMPACT:

Assumptions: Minor - designers should already be designing to appropriate speeds for the facility and setting, but may need to revise designs in anticipation of local agency speed zoning requests/changes.

System Changes:

Cost Estimate:

POTENTIAL SUPPORTING STAKEHOLDERS: Local and tribal agencies, municipal political bodies and officials, citizens' groups

POTENTIAL OPPOSING STAKEHOLDERS: Counties, BIA, other agencies that operate roads in local jurisdictions

RECOMMENDED ADOT POSITION: (Underline) **Support** -- **Oppose** -- **Amend – Neutral** **Explanation:** See comments.

S1369: SPEED LIMITS; LOCAL AUTHORITIES; SIGNAGE 3/6 passed Senate 17-11; ready for House.

S1373: CRIMINAL JUSTICE INFORMATION; ACCESS

The Department of Public Safety is required to provide a law enforcement agency with access to the case information it receives from the Supreme Court for the purpose of enforcing a court order, assisting in an investigation or returning property.

First sponsor: Sen. Kavanagh

S1373: CRIMINAL JUSTICE INFORMATION; ACCESS 2/26 passed Senate 28-0; ready for House.

S1391: FUEL TAXES; EXEMPTION; NAVAJO RESERVATION

The list of fuel exempt from motor vehicle fuel and use fuel taxes is expanded to include motor vehicle fuel or use fuel that is sold within the Navajo Reservation.

First sponsor: Sen. Begay

S1391: FUEL TAXES; EXEMPTION; NAVAJO RESERVATION 2/3 referred to Senate fin, appro.

S1394: RURAL & TRIBAL INFRASTRUCTURE DEVELOPMENT

Establishes the Rural Arizona and Tribal Infrastructure Authority to administer and coordinate the rural Arizona and Tribal infrastructure capital improvement plan established by this legislation. Establishes an 11-member Board of Directors of the Authority and specifies Authority powers and duties. Establishes the Rural Arizona and Tribal Infrastructure Revolving Fund and specifies authorized uses for monies in the Fund. The Authority is authorized to issue negotiable infrastructure capital improvement bonds, and bond obligations of the Authority are established. The Authority is authorized to provide financial assistance to rural Arizona and Tribal communities in developing, acquiring, constructing, improving, equipping or refinancing infrastructure. The Board terminates on July 1, 2025. After other specified distributions, 15 percent of transaction privilege and use taxes collected from sources located on Indian Reservations must be distributed to the Fund, and 10 percent for FY2015-16, 20 percent for FY2016-17, and 35 percent for every fiscal year after must be distributed to "rural Indian tribes" (defined).

First sponsor: Sen. Begay

S1394: RURAL & TRIBAL INFRASTRUCTURE DEVELOPMENT 2/3 referred to Senate fin, gov.

S1433: UTILITIES; FACILITIES RELOCATION; COST REIMBURSEMENT

Beginning January 1, 2016, for any construction on a public works project in a county or municipality that requires an "impacted utility" (defined) to adjust or relocate the impacted utility's facilities, the county or municipality must reimburse the utility or cause the utility to be reimbursed for all costs incurred as a result of the public works project. For modifications of state routes or interstate highways that begin on or after January 1, 2016, the Department of Transportation is required, instead of allowed, to authorize the reimbursement to a county or municipality for the costs of labor, equipment, materials and right-of-way purchase to adjust or relocate a utility facility belonging to the county or municipality if specified conditions exist. The processes for these reimbursements are specified. Effective January 1, 2016.

First sponsor: Sen. Lesko

S1433: UTILITIES; FACILITIES RELOCATION; COST REIMBURSEMENT 2/18 Senate fin held.

S1438: VEHICLE EQUIPMENT; LIGHTING

A tail lamp is added to the list of vehicle lamps that must be maintained at all times in good working condition, in addition to a stop lamp or other signal lamps.

First sponsor: Sen. Smith

S1438: VEHICLE EQUIPMENT; LIGHTING 2/3 referred to Senate trans.

S1443: OCCUPATIONAL DISEASE; PTSD

For the purposes of workers' compensation regulations, the definition of "personal injury by accident arising out of and in the course of employment" is expanded to include "post-traumatic stress disorder" (defined) that is due to causes and conditions characteristic of and peculiar to a particular trade, occupation, process or employment.

First sponsor: Sen. Smith

S1443: OCCUPATIONAL DISEASE; PTSD 2/19 from Senate pub-mil-tech with amend [#4326](#).

S1445: PUBLIC RECORDS; PEACE OFFICER'S NAME

Law enforcement agencies or employing state or local governmental entities are prohibited from publicly releasing the name of a peace officer who is involved in an incident that involves the use of deadly physical force and that results in death or serious physical injury for 90 days after the incident occurs or until one of a list of specified conditions applies, whichever occurs first.

First sponsor: Sen. Smith

S1445: PUBLIC RECORDS; PEACE OFFICER'S NAME 3/5 from House mil-pub do pass.

S1446: TPT REFORM; CONTRACTORS

Establishes provisions for determining the tax liability of a person that is either a prime contractor or a subcontractor working under the control of a prime contractor and that purchases tangible personal property that was excluded from the tax base under the retail classification of transaction privilege tax (TPT) or use tax at the time of purchase and that incorporates or fabricates the property into a specified project. The amount is calculated and reported based on the location of the project, and is equal to any tax that a seller would have been required to pay under the retail classification of transaction privilege taxes. Specified types of improvements and contracts are subject to or exempt from prime contracting transaction privilege taxes. Establishes deadlines and processes for reporting and payment of the taxes. The lists of exemptions from the retail classification of transaction privilege and use taxes are expanded to include sales of tangible personal property incorporated or fabricated into a project located in an Indian Reservation for which the owner of the project is an "Indian Tribe" or an "Affiliated Indian" (both defined). Counties and municipalities are prohibited from requiring an applicant for a building permit to hold a TPT license or business license as a condition for issuing the building permit. The applicant's current TPT license number is removed from the list of information that an applicant for licensure as a contractor must submit to the Registrar of Contractors. Establishes a procedure for the payment of taxes for a person who cancels a TPT license on or before the last day of the first month that occurs at least 60 days after the effective date of this legislation. Retroactive to January 1, 2015. Emergency clause. AS SIGNED BY GOVERNOR.

First sponsor: Sen. Lesko

S1446: TPT REFORM; CONTRACTORS 2/24 signed by governor. Chap. 4, Laws 2015.

S1455: FIREFIGHTER SPECIAL PLATES

The Department of Transportation is authorized to issue special firefighter license plates if a person pays \$32,000 in start-up costs by December 31, 2015. Of the \$25 annual fee, \$8 is an administrative fee and \$17 is a donation to the newly established Firefighter Special Plate Fund, to be allocated to a state fire school that provides fire service training and certification. AS PASSED SENATE.

First sponsor: Sen. Griffin

S1455: FIREFIGHTER SPECIAL PLATES 2/25 referred to House trans-inf.

S1467: LAW ENFORCEMENT OFFICER RIGHTS

If after an employer seeks disciplinary action after completing an investigation of a law enforcement officer, at the officer's request, the employer is required to provide the officer with a complete copy of the investigative file and allow the officer 14 days to review the investigative file and submit a response or rebuttal before any discipline is ordered. The employer may grant extensions to the 14-day period, and must include all exculpatory evidence in the investigative file. AS PASSED SENATE.

First sponsor: Sen. S. Allen

S1467: LAW ENFORCEMENT OFFICER RIGHTS 3/5 passed Senate 30-0; ready for House.

SCM1001: GRAND CANYON WATERSHED NAT'L MONUMENT (~~TECH CORRECTION; DEPT OF EDUCATION~~)

The Legislature urges the President of the U.S. to not designate the Grand Canyon Watershed National Monument in northern Arizona, urges the U.S. Congress to oppose the designation of the Monument, desires that any new monuments have express state and congressional approval before they are so designated by the President, and urges the Governor and the Attorney General to take appropriate actions to implement this memorial. The Secretary of State is directed to transmit copies of this memorial to the President of the U.S., the President of the U.S. Senate, the Speaker of the U.S. House, each member of Congress from Arizona, the Secretary of the Interior, the Governor and the Attorney General. AS PASSED SENATE.

First sponsor: Sen. Griffin

SCM1001: GRAND CANYON WATERSHED NAT'L MONUMENT 3/3 passed Senate 20-10; ready for House.

SCM1002: URGING CONGRESS; RIGHTS-OF-WAY (~~TECH CORRECTION; DEPT OF AGRICULTURE~~)

The Legislature urges the U.S. Congress to enact legislation that is consistent with the decision of the Ninth Circuit Court of Appeals in County of Shoshone v. United State and the confirms that state law determines the entire school of R.S. 2477 rights-of-way. The Secretary of State is directed to transmit copies of this memorial to the President of the U.S., the President of the U.S. Senate, the Speaker of the U.S. House, and each member of Congress from Arizona. AS PASSED SENATE.

First sponsor: Sen. Griffin

SCM1002: URGING CONGRESS; RIGHTS-OF-WAY 3/5 passed Senate 20-10; ready for House.

SCM1004: WATERS OF US DEFINITION; OPPOSITION (~~TECH CORRECTION; MEMORIAL; URGING CONGRESS~~)

The Legislature urges the U.S. Congress to pass H.R.594, which prohibits the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers from developing, implementing or enforcing the proposed federal rules that defines "waters of the U.S." under the Clean Water Act. The Secretary of State is directed to transmit copies of this memorial to the President of the U.S. Senate, the Speaker of the U.S. House, each member of Congress from Arizona, the Administrator of the EPA and the Commanding General and Chief of Engineers of the U.S. Army Corps of Engineers. AS PASSED SENATE.

First sponsor: Sen. Griffin

SCM1004: WATERS OF US DEFINITION; OPPOSITION 3/3 passed Senate 22-8; ready for House.

SCM1015: URGING CONGRESS; INCREASE CUSTOMS PERSONNEL

The Legislature urges the U.S. Congress to increase and maintain staffing for Customs Field Office personnel at the ports of entry in Nogales, Douglas and San Luis, Arizona in order to speed the flow of goods and commerce. The Secretary of State is directed to transmit copies of this memorial to the President of the U.S. Senate, the Speaker of the U.S. House and each member of Congress from Arizona.

First sponsor: Sen. Dalessandro

SCM1015: URGING CONGRESS; INCREASE CUSTOMS PERSONNEL 2/24 from Senate rules okay.

SCR1007: GENERAL AVIATION APPRECIATION MONTH

The members of the Legislature acknowledge the vital role aviation plays in Arizona and proclaim the month of September 2015 as General Aviation Appreciation Month in Arizona.

First sponsor: Sen. Griffin

SCR1007: GENERAL AVIATION APPRECIATION MONTH 2/26 unanimously adopted by Senate; ready for House.

SCR1012: PRIMARY FREIGHT NETWORK; SUPPORTING ADOT

The members of the Legislature support the Arizona Department of Transportation's (ADOT) comments to the U.S. Department of Transportation in response to the proposed designation of the Primary Freight Network (PFN), agree with ADOT's alternative proposals and suggestions, support the modification of the draft PFN to conform with ADOT's comments, and support the conducting of a corridor competitiveness study by ADOT.

First sponsor: Sen. Worsley

SCR1012: PRIMARY FREIGHT NETWORK; SUPPORTING ADOT 3/5 passed Senate 30-0; ready for House.

SCR1013: ADMINISTRATIVE RULES; LEGISLATIVE REVIEW

The 2016 general election ballot is to carry the question of whether to amend the state Constitution to require a majority of all members elected to each house of the Legislature to adopt an administrative rule or part of the rule in order for the rule to become effective if 1/2 of the members of each house transmit to the Governor a written declaration of opposition to the rule or part of the rule.

First sponsor: Sen. Dial

SCR1013: ADMINISTRATIVE RULES; LEGISLATIVE REVIEW 2/23 retained on Senate COW calendar.